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Held at Headquarters, New York, on Thursday, 13 November 2003, at 10 a.m.

Chairman:	Mr. Belinga-Eboutou	(Cameroon)
later:	Mr. Maertens (Vice-Chairman)	(Belgium)
later:	Mr. Belinga-Eboutou	(Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

Agenda item 112: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 116: Right of peoples to self-determination (*continued*)

Agenda item 117: Human rights questions

(a) Implementation of human rights instruments

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The meeting was called to order at 10.15 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/58/118 and Corr.1, 121, 181 and Add.1, 185 and Add.1 and Add.2, 186, 212, 255, 257, 261, 266, 268, 275, 276 and Add.1, 279, 296, 309, 317, 318, 330, 380 and 533; A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/58/127, 218, 219, 325, 334, 338, 379, 393, 421, 427, 448 and 534; A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/58/36)

1. **Ms. Jilani** (Special Representative of the Secretary-General on Human Rights Defenders), introducing her report (A/58/380), said that the report focused on the related issues of the impact of security and counter-terrorism legislation on human rights defenders and the role of the latter in emergencies. There was concern throughout the world that national security legislation was having a negative impact on respect for human rights and on human rights defenders themselves. Some States appeared to believe that human rights standards were obstacles to the implementation of counter-terrorism measures, while some took advantage of security concerns to target human rights defenders. Such thinking gave rise to a wide range of violations of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (known as the "Declaration on human rights defenders"). For example, reports critical of a Government's human rights policy had been treated as threats to national security and human rights defenders had been prosecuted and at times imprisoned for a range of offences such as "defamation of the authorities" which were portrayed as damaging to national security. Some human rights organizations had to meet new registration requirements but when they attempted to register, their applications were turned down on national security grounds, which left them in an illegal situation if they continued their activities. Freedom of assembly, particularly that of pro-democracy activists, had also been violated on the same grounds.

2. In the cases brought to her attention, the most common perpetrators of violations aimed at human rights defenders were the security forces of a country. There was therefore particular cause for concern when anti-terrorism laws gave law-enforcement and intelligence agencies exceptional powers of surveillance and investigation without judicial review.

3. The role of human rights defenders was crucial in emergency situations where human rights violations, including extrajudicial killings and disappearances, were widespread. Defenders could monitor the situation, investigate alleged violations and support victims of the violence and those trying to escape it. She was deeply concerned that in many recent emergency situations human rights defenders had been prevented from fulfilling that role: often they were denied visas to enter the country or faced bureaucratic barriers that prevented or delayed their access to emergency areas or to victims or witnesses. Some of them had been killed, tortured, intimidated or arbitrarily arrested or deported. She was deeply concerned that the exclusion of defenders from their monitoring role in the context of security and counter-terrorism measures and in emergency situations meant that in practice there were fewer guarantees of human rights and democratic principles. It also meant that less information was available to the special procedures of the United Nations, which, in turn, had implications for international peace and security.

4. The killing of the United Nations High Commissioner for Human Rights and other United Nations officials in Baghdad in August 2003 showed the extent to which human rights defenders were falling victim to extremism and terrorism. While she had taken full account in her report of the responsibility of States and the international community in combating terrorism, she feared that measures that undermined human rights and increased the vulnerability of human rights defenders would only further destabilize the political environment. The approach to eliminating threats to peace and security must be adjusted to ensure that respect for human rights was an integral part of the process.

5. **Mr. De Stefani Spadafora** (Italy), speaking on behalf of the European Union, said that the European Union was particularly concerned about situations in which the entire apparatus of the State was implicated in violations of the rights of human rights defenders. He wondered whether the regional approach to the situation of human rights defenders advocated by the Special Rapporteur in her report was compatible with the universality of the Universal Declaration of Human Rights, and asked whether the Special Rapporteur believed that her access to the media in the countries she had visited had helped to enhance public awareness of her work.

6. **Ms. Jilani** (Special Representative) said that publicizing the work of human rights defenders was a crucial aspect of her mandate. She found it particularly important to speak about her findings within the country she was visiting, and to that end she made a point of holding press briefings at the beginning and end of her visits.

7. **Mr. Amorós Núñez** (Cuba) said that he would be interested to know the Special Rapporteur's views on the role and responsibility of individuals and groups considered to be human rights defenders, which were mentioned in the Declaration on human rights defenders but given little prominence in activities to promote its implementation.

8. **Ms. Jilani** (Special Representative) said that she referred to article 18 of the Declaration, which dealt with the role and responsibility of individuals, groups, institutions and non-governmental organizations, in paragraph 65 of her report. She felt it was extremely important to recognize that the Declaration imposed a responsibility on human rights defenders to safeguard democracy, promote human rights and fundamental freedoms and contribute to the promotion and advancement of democratic societies, institutions and processes. That was precisely what they did and it was sometimes the reason why they came under attack.

9. **Ms. Ajamay** (Norway) said that her Government was particularly concerned about the impunity with which human rights defenders could be attacked or intimidated in all regions of the world. She welcomed the emphasis in the Special Rapporteur's report on the effects of security and counter-terrorism measures on the work and safety of human rights defenders, and urged all States to ensure that all such measures — which were sometimes counter-productive in any case — were in keeping with States' obligations under international human rights law. She wondered whether the Special Rapporteur had any suggestions on how the conclusions in her report could be better integrated into the work of the United Nations, including in the promotion of human rights, democracy and the rule of law.

10. **Ms. Jilani** (Special Representative) said that the United Nations had a critical role to play in protecting human rights defenders and in mitigating the negative effects of counter-terrorism measures. It was very important that the United Nations should pay close attention to the information provided by its special procedures on the situation in particular countries. It was equally important that those procedures should be sensitive to the social, political and economic situation in the countries they reported on, and that the information they provided was accurate. She stressed that, under the Declaration, it was the responsibility of States not only to protect human rights defenders but also to create the conditions in which human rights defenders could operate safely.

11. **Mr. Vigny** (Switzerland) said that his delegation strongly supported the recommendations contained in the Special Rapporteur's report, and asked whether she had any suggestions for focusing international attention on local human rights defenders, who were often at greater risk in emergency situations than their international counterparts.

12. **Ms. Jilani** (Special Representative) said that the international community must make every effort to ensure that the situation of local human rights defenders was publicized and that the Governments concerned were well informed about their duties towards them. It was particularly important to guarantee respect for freedom of movement and freedom of expression, which not only allowed the special procedures of the United Nations to have access to local human rights defenders but also allowed the latter to travel outside their country and bear witness to the human rights situation inside it.

13. **Mr. Sinaga** (Indonesia) said that Governments, like human rights defenders, were working towards the promotion and protection of human rights. He would be interested to know the Special Rapporteur's view on the dialogue between human rights defenders and the authorities of the countries in which they were working.

14. **Ms. Jilani** (Special Representative) said that the importance of such a dialogue could not be overestimated. It was important that both parties enter the dialogue in good faith, in a spirit of flexibility and with a willingness to accommodate the legitimate aspirations of the other party. It should also be remembered that it was the responsibility of the State to create the conditions in which a meaningful dialogue could take place: there were examples of good practice in that respect from which all States could learn.

15. **Ms. Ertürk** (Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences), introducing her report (A/58/421), said that despite the condemnation of violence against women at many international conferences and summits and despite the obligation of States to exercise due diligence to prevent gender-based violence, women throughout the world continued to suffer from violence in the home, in the community and in places of detention and from violence in the context of armed conflicts, terrorism and the war on terror. The task facing the international community was to go beyond condemnation and expressions of resolve and take firm action to ensure that the rights of women were fully respected everywhere and that they enjoyed equal status with men.

16. In Afghanistan, which she had not been able to visit before compiling her report because of the timing of her appointment as Special Rapporteur, it was vital that women should be included in the reconstruction of the country, as a peaceful and successful society could not be built without their participation. Among the positive developments in the past year had been the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the pioneering work of the Afghan Independent Human Rights Commission and the Ministry of Women's Affairs, and the participation of a large number of women in preparing the draft of the country's new constitution. Steps must be taken to ensure that women continued to participate fully in the process of reviewing and adopting the draft constitution, as the manner in which the constitution reconciled competing claims and interests as well as the requirements of diverse local traditions had fundamental implications for the status of women and girls.

17. The major obstacle to be overcome if women in Afghanistan were to be able to live their lives free of violence, intimidation and extreme subordination was the lack of security, political stability and a sustainable economic order. Unfortunately, efforts to achieve those goals were being undermined by the fact that forces that stood to gain from maintaining a war economy and from further destabilization were still active. A further problem was that the security of women outside Kabul was threatened by the presence and influence of local commanders who reportedly committed acts of extortion, sexual abuse and other forms of harassment with impunity. There was a danger that new forms of violence and discrimination against women would arise under such conditions of impunity and political instability. The international community should provide the support and resources needed to help the Government extend its authority throughout the country. It was also necessary to determine whether the situation in the provinces was the result of renewed conservatism or the lack of adequate protection against discrimination. To do that, more detailed information was needed: for example, a more realistic picture of the situation with regard to girls' education outside Kabul would be revealed if information on girls' school attendance was disaggregated by province or region.

18. Years of war had left women and girls vulnerable to extreme abuse, often in the name of social norms or tradition. Early and forced marriages were common practice, as were the exchange of girls as a form of conflict resolution, assaults on women under "codes of honour" and domestic violence. Moreover, women continued to be incarcerated for resisting such practices or upon suspicion of engaging in extramarital relations and could be held in supposedly "protective" custody for months. It was essential to find other ways to protect women's rights and freedoms, for example by setting up women's shelters. The criminal justice system needed to be adapted to end impunity for gender-based violence and to provide women victims with the access to justice denied them in both the formal and informal systems of justice. In addition, legislation needed to be amended or introduced and programmes adopted with a view to implementing the Convention on the Elimination of All Forms of Discrimination against Women.

19. A vigorous campaign was needed to promote the full participation of women in the political, social and economic spheres and recognition of the importance of women's potential contribution to the reconstruction of Afghanistan. It was particularly important to incorporate the full range of guarantees of women's

rights in the new constitution. Above all, women should be seen not as merely passive spectators or beneficiaries of change, but as active participants in the process of shaping the future of their country.

20. **Ms. Borzi Cornacchia** (Italy), speaking on behalf of the European Union, asked how the Special Rapporteur envisaged her future programme of work and whether she planned any missions. Also, in view of the concern that women should be more widely consulted in developing the new Afghan Constitution, it was not clear whether the current draft sufficiently guaranteed the promotion of equal rights for women.

21. **Ms. Ertürk** (Special Rapporteur) said that, since her report unfortunately had to be submitted without the benefit of her own first-hand observations, she intended to visit Afghanistan in the near future. Although the Afghan Constitution as currently worded lagged behind international norms on women's rights, it was in the process of development and women's groups both inside and outside the country were agitating for a greater voice to ensure the inclusion of equality provisions.

22. **Mr. Bazel** (Afghanistan) expressed appreciation for the acknowledgement in the Special Rapporteur's report that major positive developments had occurred in his country over the past two years. Afghanistan supported all human rights, including those of women and girls, and had in March 2003 acceded to the Convention on the Elimination of All Forms of Discrimination against Women. The achievement of full human rights for all was a process, and Afghanistan was committed to continuing to work towards the complete realization of the goals it had set itself.

23. **Ms. Maille** (Canada) asked what the international community could do now to further the adoption of measures allowing women to participate fully in the Constitutional Loya Jirga; how the new Special Rapporteur planned to build on the previously established standards and move on to concrete action against gender-based violence; and what the Special Rapporteur saw as the links between action to combat HIV/AIDS and violence against women.

24. **Ms. Ertürk** (Special Rapporteur) noted that the international community had already done much to help, at both the governmental and non-governmental levels, and that women's organizations worldwide had been especially effective. The dialogue she had proposed in her report (A/58/421, para. 24) with women's groups in other Muslim countries that had developed good practices to ensure the full participation of women in society would empower both men and women as promoters of change and lead to further practices that could be emulated.

25. She agreed that concrete action was now the main issue. She herself would be attending a brainstorming, agenda-setting meeting in December sponsored by Canada, and she would also be proposing future strategies at the next session of the Commission on Human Rights, especially in connection with two of its agenda items, the role of men and conflict prevention. She saw four basic policy approaches: the integration of a gender perspective in all policies, including budgeting; the elimination, by a specified target date, of discriminatory provisions from legislation and of discriminatory practices from institutions; the implementation of programmes to increase the alternatives available to women and to empower them; and, lastly, a broader engagement with like-minded men in order to raise awareness about gender inequality as a general societal problem of which violence against women was a symptom.

26. *Mr. Maertens (Belgium), Vice-Chairman, took the Chair.*

27. **Mr. Wenaweser** (Liechtenstein), noting that violence against women was an important element in Security Council resolution 1325 (2000) on women and peace and security, asked whether the Special Rapporteur had sufficient access to the Council to keep women's issues in the forefront.

28. **Mr. Alaei** (Islamic Republic of Iran) said that violence against women took many forms and differed from region to region and country to country. He was confident that the Special Rapporteur would, indeed, focus equally on all its manifestations, whatever the culture and whatever the source.

29. **Ms. Ertürk** (Special Rapporteur) said that she fully intended to meet with representatives of the Security Council in order to continue the tradition of informal meetings established by the previous Special Rapporteur. In the meantime, she had taken part in a non-governmental working group on women, peace and security as a follow-up to Security Council resolution 1325 (2000). Since the adoption of the Beijing Declaration and Platform for Action, there had been many legislative changes in the areas of non-

discrimination and development, but the area of women and peace still presented a major challenge. Rather than a clash of civilizations, the problem was a clash of haves and have-nots in the world, and there had to be a dialogue across civilizations to avert it.

30. She was sympathetic to the view that violence against women was a universal phenomenon, rooted in inequality and especially gender inequality, and that it took different shapes in different societies. Some of its manifestations, however, had to be combated more urgently. She was working on a report on those points.

31. **The Chairman** thanked the Special Representative and the Special Rapporteur for taking part in the Committee's meeting. Such contacts were enriching and essential to the Committee's work.

Agenda item 112: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Draft resolution A/C.3/58/L.37/Rev.1: Assistance to refugees, returnees and displaced persons in Africa

32. **The Chairman** said that the delegations of Chile, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Italy, Japan, Norway, Spain, the former Yugoslav Republic of Macedonia and the United Kingdom had joined in sponsoring the draft resolution, which had no financial implications.

33. **Ms. Ahmed** (Sudan) said that Belgium, Ireland, Lithuania, Luxembourg, Malta, Portugal and Sweden had also become sponsors.

34. *Draft resolution A/C.3/58/L.37/Rev.1 was adopted.*

Draft resolution A/C.3/58/L.38: Assistance to unaccompanied refugee minors

35. **The Chairman** said that the draft resolution, which had no financial implications, was being sponsored also by Azerbaijan, Botswana, Burkina Faso, Burundi, Cameroon, Lesotho, Madagascar, Malawi, Morocco, Mozambique, Namibia, Pakistan, Panama, Qatar, Rwanda, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Somalia, Swaziland, Turkey, the United Republic of Tanzania, Yemen, Zambia and Zimbabwe.

36. **Ms. Ahmed** (Sudan) said that, due to an editorial error, Nigeria had been omitted from the list of original sponsors.

37. In addition to the revisions to the draft resolution which she had read out when introducing it at an earlier meeting, a further revision had been made to paragraph 7, in order to accommodate one delegation: the word "respect" before the words "international humanitarian law" should be replaced by the phrase "comply with their obligations under" and the words "human rights law and refugee law," should be inserted after the words "international humanitarian law".

38. **Ms. Plaisted** (United States of America) said that an amendment had just been proposed orally to paragraph 7 on a very important subject — the law applicable to the conduct of States in armed conflict — and more time should have been allowed for consultations on language agreeable to all delegations. Regarding the substance, it was the consistent position of the United States in all forums that international humanitarian law was the lex specialis that governed situations of war. Although some of its underlying principles were common also to international human rights law, the three bodies of international law in question were distinct, and the language of the draft resolution ought not to blur the distinction.

39. *Draft resolution A/C.3/58/L.38, as orally revised, was adopted.*

Draft resolution A/C.3/58/L.39: Office of the United Nations High Commissioner for Refugees

40. **The Chairman** said that he had been advised that the draft resolution contained no programme budget implications. Algeria, Andorra, Azerbaijan, China, Colombia, Egypt, Georgia, Guinea-Bissau, Kazakhstan, Madagascar, Malta, Namibia, Nigeria, the Republic of Moldova, Rwanda and Zimbabwe had joined the sponsors.

41. **Mr. Neustrup** (Denmark) said that Antigua and Barbuda, Bahamas, Bolivia, Brazil, Burundi, the Democratic Republic of the Congo, El Salvador, Estonia, Gambia, Grenada, Haiti, Kyrgyzstan, Mali, Mauritania, Nauru, Saint Vincent and the Grenadines, Samoa and Uganda had also joined the sponsors.

42. *Draft resolution A/C.3/58/L.39 was adopted.*

Draft resolution A/C.3/58/L.40: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

43. **The Chairman** said that he had been advised that the draft resolution contained no programme budget implications. In addition, Cameroon, Ethiopia, Kenya, the Niger, Nigeria, Sierra Leone, Somalia, the Sudan and Zimbabwe had joined the sponsors.

44. *Draft resolution A/C.3/58/L.40 was adopted.*

Draft resolution A/C.3/58/L.41: Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate

45. **The Chairman** said that he had been informed that the draft resolution contained no programme budget implications.

46. **Mr. Neustrup** (Denmark) said that, in paragraph 2, the word "questions" in the third line should be deleted. Armenia, Belgium, Cyprus, the Democratic Republic of the Congo, Eritrea, Lithuania, Monaco, New Zealand, Serbia and Montenegro and the United Republic of Tanzania had joined the sponsors.

47. **The Chairman** said that Botswana, Burkina Faso, Cameroon, Colombia, Ethiopia, Ghana, Jordan, Latvia, Namibia, the Niger, Nigeria, Swaziland and Timor-Leste also wished to join the sponsors.

48. *Draft resolution A/C.3/58/L.41, as orally revised, was adopted.*

Draft resolution A/C.3/58/L.43: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in Countries of the Commonwealth of Independent States and Relevant Neighbouring States

49. **The Chairman** said that he had been advised that the draft resolution contained no programme budget implications. Afghanistan, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, Germany, Greece, Japan, Lithuania, Luxembourg, Malta, the Niger, Poland, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and Turkmenistan had joined the sponsors.

50. *Draft resolution A/C.3/58/L.43 was adopted.*

Agenda item 116: Right of peoples to self-determination (*continued*)

Draft resolution A/C.3/58/L.32: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

51. **Mr. De Barros** (Secretary of the Committee), referring to paragraphs 14 and 16 of the draft resolution, said that the Special Rapporteur's mandate fell under perennial activities, for which provision had already been made in the current biennium and also in the biennium 2004-2005; hence, no additional appropriation would be required.

52. **The Chairman** said that China, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Ethiopia, Gambia, Ghana, Guinea-Bissau, Lesotho, Madagascar, Malawi, Namibia, Nigeria, United Republic of Tanzania, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

53. **Mr. Amorós Núñez** (Cuba) said that Benin, Cambodia, the Comoros and Pakistan also wished to sponsor the draft resolution. It was more important than ever to address the issue of mercenaries, and the draft resolution had the support of the majority of members of the Committee.

54. **The Chairman** said that a recorded vote had been requested.

55. **Mr. Cavallari** (Italy), speaking in explanation of vote before the vote on behalf of the European Union, the acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries Bulgaria, Romania and Turkey, said that the European Union shared many of the concerns about the dangers of mercenary activity expressed by the Special Rapporteur, especially regarding the impact of mercenary activity on the duration and nature of armed conflicts. However, those delegations regretted that they could not support the draft resolution. They continued to doubt that the Third Committee was the right forum to deal with the problem of mercenary activity and whether the High Commissioner for Human Rights should be asked to devote priority attention to that subject. While recognizing the dangers of mercenary activity, they questioned dealing with the use of mercenaries primarily as a human rights problem and as a threat to the right of peoples to self-determination. The relationship between terrorism and

mercenary activity also did not seem to fall within the mandate of the Committee. They shared the view that the consideration of the use of mercenaries and the elaboration of a legal definition of the term fell within the competence of the Sixth Committee.

56. *A recorded vote was taken on draft resolution A/C.3/58/L.32.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Japan, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Rwanda, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Australia, Austria, Bosnia and Herzegovina, Cyprus, Greece, Ireland, Kazakhstan, Latvia, Liechtenstein, Malta, Nauru, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey.

57. *Draft resolution A/C.3/58/L.32 was adopted by 111 votes to 23, with 27 abstentions.*

58. **Mr. Moritán** (Argentina), speaking in explanation of vote, said that, although his delegation had voted in favour of the draft resolution, in its view the reference to the principle of self-determination in the fourth preambular paragraph was not relevant to the subject, as the General Assembly had adopted numerous resolutions regarding non-self-governing territories.

59. **Ms. Davtyan** (Armenia) said that the conflicts in the southern Caucasus region provided a good example of the use of mercenaries as a means of violating human rights. It was worrying that hundreds of such mercenaries, many of whom had links with Al-Qaida, were still to be found in the region. Thus, her delegation had voted in favour.

60. **Mr. Begg** (New Zealand), speaking also on behalf of Canada, Australia, Switzerland, Liechtenstein and Norway, said that those delegations had been unable to support the draft resolution. They recognized that the use of mercenaries raised complex issues related to human rights, State sovereignty, impunity and international law. They were disappointed, however, that instead of addressing those topics, the resolution had focused narrowly on self-determination, and was politically motivated. Instead of focusing on the human rights and criminal implications of the problem, it had addressed aspects that were largely historical and increasingly out of date.

61. The Special Rapporteur's report contained a proposal for an amendment to the definition of mercenaries. The time had come for the resolution to be redrafted to take into account recent developments and the work of the Special Rapporteur. He hoped that, at the next session, open informal consultations would be held to allow delegations to debate the criminal and human rights aspects of the issue.

62. **Mr. Israfilov** (Azerbaijan) said that his delegation had voted in favour of the draft resolution because it believed that the right to self-determination

had been blatantly violated through the use of mercenaries. It also wished to draw attention to the abuse of the principle of self-determination, which had been used by minorities as a pretext to secede from or dismember States.

Draft resolution A/C.3/58/L.35: The right of the Palestinian people to self-determination

63. **The Chairman** said that draft resolution A/C.3/58/L.35 contained no programme budget implications. The following countries had become sponsors of the draft resolution: Afghanistan, Andorra, Antigua and Barbuda, Armenia, Azerbaijan, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Cape Verde, Chile, Comoros, Croatia, Democratic Republic of the Congo, Democratic People's Republic of Korea, Ecuador, Eritrea, Estonia, Gambia, Germany, Guinea-Bissau, Guyana, Hungary, Iceland, Japan, Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mauritania, Monaco, Mozambique, Namibia, the Netherlands, Norway, Poland, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Slovakia, Slovenia, Somalia, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Zimbabwe.

64. **Mr. Cavallari** (Italy), speaking in explanation of vote before the voting on behalf of the European Union, the acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey, and, in addition, Iceland and Norway, said that, as in previous years, the European Union would vote in favour of the draft resolution. It wished to reiterate its firm commitment to enabling the Palestinian people to fulfil their unconditional right to self-determination, including the possibility of establishing a sovereign State. Thus, it was encouraged that the international community, including the Middle East Quartet, had affirmed the objective of two States, Israel and Palestine, living side by side within secure and recognized borders, and it was actively engaged in the efforts of the Quartet to seek a definitive settlement in accordance with the resolutions of the Security Council and the road map. Likewise, the European Union strongly supported the Palestinians in their efforts to hold elections as early as possible in 2004.

65. *At the request of the representative of the United States, a recorded vote was taken on draft resolution A/C.3/58/L.35.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

66. *Draft resolution A/C.3/58/L.35 was adopted by 159 to 2, with 0 abstentions.*

67. **Mr. Luria** (Israel) said that Israel recognized the right of peoples to self-determination throughout the world, including the right of the Palestinian people to self-determination. Israel did not want to dominate Palestinians or control their destiny. It was committed to the vision of peace in the Middle East and to the implementation of the road map based on a two-State solution. Nevertheless, the right to self-determination was not a blank cheque legitimizing any action; it had to be exercised with respect for the right of others to self-determination.

68. The draft resolution prejudged the outcome of permanent status negotiations and undermined the ability to conclude them. The goal of self-determination was hindered by such one-sided resolutions that traditionally ignored the context of the conflict and Israel's right to live in the region under its own sovereignty, free from terrorism.

69. **Mr. Laurin** (Canada) said that Canada fully supported the right of the Palestinian people to self-determination and the creation of a Palestinian state, but it believed that the interests of the Palestinians and the peoples of the region as a whole would be best served if that right was exercised through the negotiation process. Canada had voted in favour of the draft resolution because it endorsed the right of the Palestinian people to self-determination and emphasized the importance of the negotiation process. Canada also supported the draft resolution's affirmation of the right of all States in the region to live in peace. Lastly, Canada wished to emphasize the need for the immediate resumption of negotiations between the parties under the road map.

70. **Mr. Choi** (Australia) said that Australia had voted in favour of the draft resolution because it had consistently supported the Palestinian right to self-determination and the realization of two States, Israel and Palestine, living side by side within secure and recognized borders, as set out in Security Council resolution 1397 (2002). His delegation would however have preferred that the draft resolution mention the road map to Middle East peace endorsed by the international community. The Palestinian Authority must take firm action to end the violence in order to realize statehood.

71. **Ms. Rasheed** (Observer for Palestine) said that her delegation wished to express its appreciation for the positive result of the vote. The right of the Palestinian people to self-determination remained a central issue for resolving the conflict in the Middle East, and the reaffirmation of that right by the international community provided hope to the Palestinian people.

72. Nevertheless, it was necessary to refer to the negative vote cast by Israel, which served as additional proof that the Israeli Government rejected a real peace settlement based on the existence of two States. Any settlement had to begin with mutual respect and recognition, because the right to self-determination was not an outcome of negotiations, but a prerequisite.

73. Her delegation was also surprised that the United States delegation, which had repeatedly affirmed its vision for the region, in which two States, Israel and Palestine, lived side by side, could vote against a draft resolution that supported the right of the Palestinian people to exercise their inalienable right to self-determination. Such a contradiction was not only confusing but also deeply disappointing and brought into question the ability of the United States to play the role of an honest broker in resolving the situation. A vote against a people's right to self-determination went against the ideals and history of the United States itself, for it was President Woodrow Wilson who had fathered the concept of the right to self-determination.

74. Achieving peace in the Middle East required a solution that recognized and guaranteed the basic rights of both peoples. Her delegation hoped that it would not be necessary to propose a similar draft resolution in 2004; however, if one was required it trusted that the Committee would adopt it unanimously.

75. **Mr. Roshdy** (Egypt) said that, as the main sponsor of the draft resolution, he wished to thank all those who had voted in favour and noted that it was the first time that there had been no abstentions. He hoped that it would be the last time such a resolution was presented; however, he was not optimistic because there still appeared to be those who did not believe in the right to self-determination or that all human rights were applicable to all people.

76. Palestine would be free whether Israel wanted it to be or not. Instead of lecturing the Committee on the road map, he called on the representative of Israel to give a clear statement on how the Israeli Government proposed to proceed with the map. The Israeli representative had

said that the resolution was prejudging the outcome of negotiations; where were the negotiations and where was the peace process? What could be objected to in a draft resolution that spoke of the right of everyone to live in peace? There appeared to be a double standard when talking of human rights, because there were those who talked about them but did nothing to put them into practice.

77. **Ms. Noman** (Yemen) said that her delegation appreciated the efforts of the Commission on Human Rights to investigate the human rights situation in different parts of the world. However, there appeared to be no transparency when dealing with human rights questions; States were chosen selectively and human rights issues were used to exert political pressure in order to achieve economic and other interests. Meanwhile, gross violations of human rights were ignored, particularly in the occupied Palestinian territory, with the assassination of children and women and the destruction of property. Therefore, Yemen would not participate in voting on any draft resolution dealing with human rights in specific States.

Agenda item 117: Human rights questions

(a) Implementation of human rights instruments

Draft resolution A/C.3/58/L.42: Torture and other cruel, inhuman or degrading treatment or punishment

78. **The Chairman** said that the draft resolution contained no programme budget implications. The following countries had become sponsors: Andorra, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Benin, Bolivia, Burkina Faso, Cape Verde, Côte d'Ivoire, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Jordan, Kenya, Lithuania, Malawi, Mali, Malta, Mauritius, Federated States of Micronesia, Monaco, Namibia, Niger, Paraguay, South Africa, Turkey and Ukraine.

79. **Mr. De Barros** (Secretary of the Committee) said that the word "and" should be inserted after the words "on 25 June 1993" in paragraph 2, and the word "Welcomes" should be replaced by the expression "Notes with appreciation" in paragraph 17.

80. By paragraph 27, the General Assembly would request the Secretary-General to ensure the provision of adequate staff and facilities for bodies and mechanisms involved in combating torture and assisting victims within the overall budgetary framework of the United Nations. The General Assembly had appropriated over $47 million under section 24, Human rights, for the biennium 2002-2003 and the proposed programme budget of just over $53.5 million for section 24 for the biennium 2004-2005 included an adequate provision for the Committee against Torture. The Secretariat drew the Committee's attention to part B, section VI, of General Assembly resolution 45/248, in which the Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

81. *Draft resolution A/C.3/58/L.42, as orally revised, was adopted.*

Draft resolution A/C.3/58/L.45: International Covenant on the Protection of the Rights of All Migrant Workers and Members of Their Families

82. **The Chairman** said that draft resolution A/C.3/58/L.45 contained no programme budget implications. The following countries had become sponsors of the draft resolution: Bangladesh, Bolivia, Burkina Faso, Cape Verde, Dominican Republic, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Gambia, Honduras, Mali, Niger, Nigeria, Paraguay, Senegal, Sudan, Tunisia and Uganda.

83. **Mr. De Barros** (Secretary of the Committee) said that by paragraph 6, the General Assembly would request the Secretary-General to make the necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention. A provision of $178,700 had already been included in the proposed programme budget for the biennium 2004-2005.

84. **Mr. Simancas** (Mexico) said that the word "urgently" should be eliminated from paragraph 4; the words "Expresses its appreciation" should be replaced by the words "Takes note of" in paragraph 5, and the words "in due time" should be replaced by the words "in a timely manner" in paragraph 7.

85. *Draft resolution A/C.3/58/L.45, as orally revised, was adopted.*

The meeting rose at 1.10 p.m.

United Nations A/C.3/58/SR.44

General Assembly
Fifty-eighth session

Official Records

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Third Committee

Summary record of the 44th meeting
Held at Headquarters, New York, on Thursday, 13 November 2003, at 3 p.m.

Chairman : Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117 : Human rights questions *(continued)*

(a) Implementation of human rights instruments *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

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03-61141 (E)

The meeting was called to order at 3.25 p.m.

Agenda item 117: Human rights questions *(continued)*

(a) Implementation of human rights instruments *(continued)*

(b) Human rights questions, including alternative approaches for the effective enjoyment of human righs and fundamental freedoms *(continued)* (A/58/118, A/58/118/Corr.1, A/58/121, A/58/181, A/58/181/Add.1, A/58/185, A/58/185/Add.1, A/58/185/Add.2, A/58/186, A/58/212, A/58/255, A/58/257, A/58/261, A/58/266, A/58/268, A/58/275, A/58/276, A/58/276/Add.1, A/58/279, A/58/296, A/58/309, A/58/317, A/58/318, A/58/330, A/58/380, A/58/533 and A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/58/219, A/58/448, A/58/127, A/58/427, A/58/379, A/58/334, A/58/218, A/58/338, A/58/534, A/58/325, A/58/393, A/58/421 and A/C.3/58/58/6)

1. **Ms. Sanchez** (Dominican Republic), speaking on agenda item 117 (a), announced that her country had regretfully withdrawn from the list of sponsors of draft resolution A/C.3/58/L.45.

2. **The Chairman** took note of that information.

Statements in the exercise of the right of reply

3. **Mr. Kitchen** (Zimbabwe), exercising his right of reply in connection with comments made by the United States and Canadian delegations concerning the human rights situation in Zimbabwe, said that respect of human rights was a matter of deep concern to his country. Zimbabwe was a party to a great number of international human rights instruments and had subscribed to many documents emanating from United Nations conferences on human rights issues. It was always ready to cooperate with those sincerely wishing to promote human rights, but it deplored and condemned the selective and politicized approach of certain self-appointed observers of human rights situations. Picking out particular countries for criticism did not serve the cause of human rights and raised doubts as to the motives of those from whom the criticisms emanated. Thus, when referring to the economic crisis in Zimbabwe – the existence of which was an established fact – the United States delegation had carefully avoided admitting that its country was in part responsible for the crisis owing to the positions it adopted in international agencies such as IMF and the World Bank and to unilateral measures such as the Zimbabwe Democracy and Economic Recovery Act. The United States' concern for the fate of the people of Zimbabwe was therefore purely hypocritical.

4. The representative of the United States had also, on the basis of information published in the Daily News, alleged the absence of the rule of law in Zimbabwe. That newspaper having been in an illegal situation for a period of nine months, the United States Government would be well advised to call it to order. In that connection, he stressed the fact that newspapers in his country, for their part, respected the law. The United States was not in a position to give lessons in human rights to others, being hardly an example of good conduct in the human rights area, as witness, in particular, its treatment of minorities and the executions of minors that were the sorry privilege of the United States. The prisoners detained at Guantanamo in violation of the Geneva Conventions and other international human rights instruments should at the very least be informed of the charges against them, but the self-proclaimed human rights observers kept completely silent on that point, either through complicity or because they thought that human rights did not apply in that particular case.

5. Lastly, the way in which the demonstration organized in New York earlier that year had been suppressed and the arrest of a large number of demonstrators illustrated the United States Government's refusal to hear its own citizens even when they were speaking in a very loud voice. The invasion of a sovereign country against the advice of the United Nations and of its own citizens spoke volumes about the true nature of the United States Government, despite its claims to be the guardian and defender of democracy and human rights.

6. Turning to the comments by Canada, he said that his Government's land reform programme, which was

beginning to bear fruit, was aimed at correcting an imbalance of which the country's black population, marginalized despite the fact that it formed the majority, was the victim. Canada's colonialist nostalgia was of no avail there, the more so as Canada, by its own admission, had its hands full with combating racism in its own territory. His delegation was therefore hardly surprised by Canada's remarks, and reaffirmed its willingness to cooperate with those wishing to contribute towards the success of the land reform programme.

7. It was regrettable that Canada had reiterated certain allegations - contradicted by the findings of competent international agencies - concerning the distribution of foodstuffs. In that connection, he recalled that on the occasion of a high-level meeting held at United Nations Headquarters on 15 September 2003 the Special Representative of the Secretary-General responsible for assessing humanitarian needs in southern Africa, who was also the Executive Director of the World Food Programme (WFP), as well as the Special Representative of the Secretary-General for the coordination of humanitarian aid programmes in southern Africa, had confirmed that the food distribution system was functioning in a satisfactory manner. A memorandum of agreement had then been signed between WFP and the Government of Zimbabwe. He therefore considered the Canadian delegation's allegations to be ill-intentioned rather than mistaken.

8. Human rights were the concern of all nations and could not be implemented selectively or exploited for political ends. His delegation hoped that the United States and Canada would look to the human rights situation in their own territories before setting themselves up so ostentatiously as an example to others. His country, convinced of the effectiveness of the Commission on Human Rights, would jealously defend the independence of that body, upon which depended the interests of all members of the Third Committee desirous of ensuring universal respect of human rights.

9. **Ms. Al Hajali** (Syrian Arab Republic) recalled that for some years past her delegation had regularly expressed the wish that the human rights debate in the Third Committee should not be used to criticise specific countries. Considerable divergences existed between countries in terms of their analysis, understanding and perception of human rights. The human rights issue, which certainly deserved consideration, had been politicised to an unacceptable extent, certain countries, which she preferred not to name, making undue use of it in order to express their disapproval of other countries. It also had to be noted that certain countries claiming the status of champions or defenders of human rights were themselves committing flagrant and unacceptable human rights violations in many parts of the world.

10. Referring to the statement made by the United States delegation on 10 November 2003, she said that the United States could never be the champion of human rights which it was itself violating. Not wishing to open a debate that would distract the Committee from its main task, she would refrain from citing details of such violations, which were causing grave concern to human rights agencies and to the media in many countries the world over.

11. The allegations brought against Syria by the United States delegation were entirely unfounded. If the United States representative had meant to allude to the case of the citizen having double nationality (Syrian and Canadian) who had been arrested by United States authorities in a New York airport, her delegation wished to make it clear that the individual concerned, sent back to Syria while on his way to Canada, his country of residence, had not received any ill-treatment during his stay in Damascus, where he had been visited by a representative of the Canadian embassy. He had eventually been handed over to the Canadian authorities and had joined his family in Canada, from where he had thanked the Syrian authorities for their part in facilitating his return.

12. **Mr. Giraldo** (Colombia) forcefully denied Canada's allegations of collusion between illegal self-defence groups and the Colombian Government. His Government had been democratically elected and enjoyed the support of 70% of the population. The rule of law, guaranteed by the democratic system in force, prevailed in Colombia. For several years past, the stability of the democratic system had been threatened by illegal armed groups on the extreme right and the extreme left, all of which the Government was fighting in an identical manner as part of its unremitting struggle against terrorism financed by the drugs trade, which constituted a world-scale problem.

13. "Fiscali General de la Nacion" investigated all accusations brought to its attention in complete

transparency and respect of the law. While it might have happened that members of the armed forces, acting on their own initiative without complying with any policy of the State, had entertained links with illegal armed groups, such incidents had been investigated and the individuals concerned had been punished. Other investigations were now in progress and might well end in punitive action being taken, which proved that the State, the Government and the army had no institutional links with those illegal groups; quite on the contrary, they were combating them and proceeding against any members of the armed forces who might act outside the framework of the law in disregard of the guidelines clearly laid down by the Government.

14. As for accusations of forced disappearances, arbitrary detention and torture, a new inter-sectoral committee had been set up by his Government as part of the struggle against terrorism and for the promotion of human rights in order to investigate such accusations and to establish the true facts, the inquiry often revealing that the allegations were unfounded.

15. **Mr. Andrabi** (Pakistan), replying to the statement made by the Canadian delegation on 10 November 2003, challenged Canada's right to judge other countries. The Committee was entitled to doubt the truth of the accusations Canada had brought against no less than 34 States. He wondered whether the remaining 157 States, including Canada, were really exempt from all human rights violations. Or could it be that Canada, as well as being inclined to lecture others on matters of morality, was perhaps also tempted to apply double standards?

16. His delegation was disappointed but not surprised to see that Canada had made no mention of the massive human rights violations perpetrated with complete impunity by India, be it the killing of more than 2 000 Muslims whose murderers remained unpunished, the tens of Kashmiris killed every day by Indian security forces acting with full impunity, or India's caste system, a flagrant manifestation of institutionalized racism.

17. Referring to paragraphs 331, 333, 335 and 337 of the latest report of the Committee on the Elimination of Racial Discrimination (A/57/18), he recalled that Canada was in breach of the property rights, the freedom and security, the right to protection from discrimination and the right to education of Aboriginals and persons of Asian and African descent. As for the alleged reign of impunity in Pakistan, he referred to an Amnesty International document dated 4 September 2003 concerning widespread instances of impunity in Canada.

18. Replying to references made to "crimes of honour" committed in Pakistan, he said that under his country's law such cases were treated as wilful manslaughter. Canada, where murders by the police were committed with impunity, would do well to put its own house in order before interfering in the affairs of others.

19. **Mr. Ivanou** (Belarus), describing the United States and Canadian delegations' remarks about his country as gratuitous and untrue, said that he was at a loss to understand where the information on which they were based had come from. Belarus was a sovereign State Member of the United Nations, party to the principal international human rights instruments and other multilateral treaties. His delegation reserved the right to do everything it could, in particular by proceeding on the basis of statements by other delegations under paragraphs (b) and (c) of agenda item 117, to re-establish the truth about his country before the Third Committee.

20. **Mr. Menan** (Togo), replying to the statement made by the representative of Canada under agenda item 117 (b) on 10 November 2003, expressed indignation at the unfounded and discriminatory allegations once again formulated by Canada, which accused Togo of having carried out arbitrary arrests and detentions of opponents and journalists, in particular during the recent presidential elections. The statement reflected a marked tendency on the part of certain Governments to use human rights questions for sordid political ends, and were reminiscent of statements made before the Security Council in 2000 by the former permanent representative of Canada to the United Nations.

21. In Togo, the journalistic profession was governed by the Communications and Press Code. There were plenty of daily newspapers expressing bold opinions, which the representative of Canada was welcome to consult. Recent amendments to the Code had given rise to criticism, although their object had not been to restrict the freedom of the press but to avoid undesirable incidents and to stop the press from inciting to violence or, as in other African countries,

from becoming an instrument of defamation, insult, outrage and conspiracy capable of threatening public order, national unity and cohesion and the dignity of citizens. No Government, the Canadian Government least of all, could tolerate such excesses. Invoking the report by "Reporters sans frontières" on freedom of the press in Canada, he expressed doubt as to the soundness of Canada's claim to give lessons to other countries.

22. Opponents of the Government, who were perfectly free to live and travel within Togo, had been able to campaign freely during the recent presidential elections. Referring to his Government's efforts in the field of human rights, he remarked that people who refused to see were worse than blind and those who refused to listen, worse than deaf. A State should put its own house in order before presuming to give lessons to others, especially those smaller than itself.

23. The lot of Canada's indigenous populations – Inuit, Nisga'a or the Aboriginal fisher folk of New Brunswick - was particularly deplorable. The fact that a part of Canada's population was marginalized and dumped in reservations hardly constituted an example of protection and promotion of human rights. Energetic steps should be taken to ensure that fundamental freedoms were recognized and granted, in particular, to Canadian Amerindians, Inuit and persons of mixed descent.

24. **Ms. Otiti** (Uganda) challenged the allegation made by the Canadian delegation under agenda item 117 (b) on 10 November 2003 that the Ugandan Government's military intervention in the north of the country threatened the lives of victims of kidnapping and displaced persons. The Canadian delegation should remember that the "Resistance Army of the Lord" had abducted, mutilated and killed hundreds of children in the region and that the Ugandan Government had appealed to the international community and the United Nations for assistance in freeing the kidnapped children and enabling them to enjoy their fundamental rights. Her Government was not going to abandon its people to human rights abuses. Nor would it allow Ugandans to become the target of vile attacks simply because a delegation saw fit to make unnecessary declarations before the Committee without knowing anything about the situation on the ground. If the Canadian Government wished to help the children in the north of Uganda, its efforts would be welcome. But if it had no constructive assistance to propose, it should refrain from boring the Committee with a mass of useless and inaccurate detail.

The meeting rose at 3.55 p.m.

United Nations A/C.3/58/SR.45

General Assembly
Fifty-eighth session

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Third Committee

Summary record of the 45th meeting
Held at Headquarters, New York, on Friday, 14 November 2003, at 10 a.m.

Chairman:	Mr. Belinga-Eboutou	(Cameroon)
later:	Mr. Maertens (Vice-Chairman)	(Belgium)
later:	Mr. Belinga-Eboutou (Chairman)	(Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

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03-61332 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/58/118 and Corr.1, 121, 181 and Add.1, 185 and Add.1-2, 186, 212, 255, 257, 261, 266, 268, 275, 276 and Add.1, 279, 296, 309, 317-318, 330, 380 and 533; A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/58/127, 218-219, 325, 334, 338, 379, 393, 421, 427, 448 and 534; A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/58/36)

1. **Mr. Baali** (Algeria) said that the 1993 World Conference on Human Rights had in the Vienna Declaration and Programme of Action established the indivisibility and interdependence, and hence equal importance, of all human rights and had recognized the link between human rights, democracy and development. Unfortunately, in a restrictive and selective interpretation of the Declaration, the economic and social dimensions of human rights were being subordinated increasingly to political considerations and conditions. In integrating a human rights perspective into its work, the United Nations must do more to promote economic, social and cultural rights, which were grounded in the right to development.

2. The universality of human rights, however, did not imply a single model of social or political organization, but rather was founded on a recognition of cultural, historical and geographical particularities and of the shared international norms underlying relations among nations. No nation could arrogate to itself the right to stand in judgement of others or to subject developing countries to human rights eligibility criteria.

3. While the report of the United Nations High Commissioner for Human Rights (A/58/36) looked at terrorism from the viewpoint of the bloodshed it caused, the truer perspective, based in law, was that taken in the Secretary-General's report on the implementation of the United Nations Millennium Declaration (A/58/323), which emphasized its impact on human rights and fundamental freedoms. Algeria, severely harmed by terrorism, had nonetheless for years been building a State under the rule of law, with pluralist institutions, power-sharing and free and fair elections. The Government had made it a priority to institute long-term reforms in the judiciary to guarantee the basic legal rights of the people.

4. Algeria was a party to the main human rights instruments and regularly fulfilled its reporting obligations. It had set itself, as the goals for its implementation of the Vienna Declaration and Plan of Action, the achievement of international human rights cooperation through dialogue rather than confrontation; rationalization of existing United Nations machinery to avoid duplication or the marginalization of economic and social rights; and the realization of the right to development.

5. **Mr. Zhang** Yishan (China) said that despite many striking accomplishments in promoting and protecting human rights in the 10 years since the adoption of the Vienna Declaration and Programme of Action, ways had to be found to resolve the many problems that still existed. Lasting world peace, on which the observance of human rights was predicated, was still elusive, and only when the international community established a new security concept based on mutual trust and benefit, equality and cooperation would it be possible to prevent mass violations of human rights.

6. The legitimate concerns of the developing countries must be addressed, for economic, social and cultural development was the key to the realization of human rights. Both developed and developing countries must face that major challenge of the day. The first concern should be to alleviate the poverty of the developing countries, which accounted for three fourths of the world's population but only one fifth of the world's wealth. In a diverse world where countries differed historically and culturally and in levels of development, the necessarily divergent views on how to promote the universal realization of human rights could be resolved only through cooperation and dialogue.

7. China had always respected human rights. Having in recent decades achieved decent living standards for its people, the Government, guided by the rule of law,

was actively improving its political democracy to ensure democratic elections, decision-making processes and oversight. It was overhauling its legal, judicial and law-enforcement system to institute greater human rights guarantees and was raising its citizens' awareness of their rights. His Government valued its international exchanges and cooperation in the area of human rights with many countries and with the United Nations, which had yielded rich results and deepened mutual understanding.

8. **Ms. Knowles** (Australia) said that her Government was committed to working cooperatively with Governments throughout the world to promote democracy, good governance and the rule of law, the preconditions for the enjoyment of human rights. It urged all Governments to strive to find ways to advance the human rights of their people.

9. In Iraq, the overthrown regime had left a shocking legacy of human rights abuses against the people, including the murder of up to 300,000. Committed to assisting the Iraqi people to establish robust democratic institutions, Australia strongly encouraged the international community to support stabilization and rehabilitation efforts in the country.

10. Burma's lack of progress in improving its very serious human rights situation was disquieting. The Government should release Aung San Suu Kyi from house detention, release all political prisoners, lift restrictions on freedom of association and expression, put an end to forced labour and child soldiers and take steps towards national reconciliation.

11. The regime in Zimbabwe continued to intimidate and attack people who opposed it, in particular supporters of the legally constituted opposition party, and repressive legislation had been used to stifle all public dissent and to force the closure of the country's only independent newspaper. The Government's policies were impoverishing the people of Zimbabwe. Australia called upon it to establish a framework for political reconciliation and economic recovery and to return to democratic values.

12. The human rights and humanitarian situation in the Democratic People's Republic of Korea was also troubling, and that Government should be urged to engage more fully with the international community in a dialogue on human rights.

13. While the President of Iran was making efforts to promote the rule of law and protect human rights in the country, in cooperation with the European Union and the United Nations, there continued to be violations of due process in the judicial system, attempts to suppress freedom of the press and heavy-handed responses to public demonstrations. Australia urged Iran to reform its judiciary and do more to uphold the religious and cultural rights of minorities.

14. China should press ahead with planned legal and administrative changes to rectify acknowledged shortcomings in its human rights practices. Australia was concerned by detentions and executions for political crimes or expressions of dissent. It urged China to ratify the International Covenant on Civil and Political Rights and to address the social grievances of ethnic minorities.

15. Australia hoped that Israel and the Palestinian Authority would end the tragic loss of life and injury on both sides by implementing the Quartet's road map to a permanent two-State solution to the Israeli-Palestinian conflict.

16. While confronting terrorism and separatism, Indonesia must remain committed to effective civil governance that respected the human rights of all citizens, and it should keep open channels of dialogue on special autonomy arrangements. Indonesia must be urged to bring to justice those responsible for human rights abuses in East Timor.

17. She welcomed the recent court decision in Nigeria reversing a sentence of death by stoning. The country's judiciary should continue to conform to international human rights standards that outlawed such forms of punishment.

18. Her Government urged Uganda to continue its efforts to end the atrocious conflict with the armed insurgency in the country, and urged the rebel group to cease abducting children to fight its war and to cease mistreating them.

19. Australia welcomed the formation of the transitional Government in the Democratic Republic of the Congo, after years of violence and atrocities, but it hoped that, with the assistance of the multinational United Nations force, the ongoing conflict in the eastern part of the country would be brought to an end. West African countries were to be applauded for having negotiated the recent ceasefire in Liberia, and

the deployment of the United Nations peacekeeping force should help to establish political reconciliation there.

20. **Mr. Tripathi** (India) observed that the framers of his country's Constitution at the time of independence had been enlightened visionaries with a deep concern for human values. As a signatory to both the principal covenants on human rights and all other major human rights instruments, India had consistently sought to promote both sets of rights as a composite whole, and its democratic institutions had stood the test of time.

21. The direct relationship between development and enjoyment of human rights was undeniable, as was that between freedom and human rights. Dignity and well-being could not be protected in the face of grinding poverty. Without a favourable global economic environment and the evenhanded promotion of the rights of people everywhere, universal adherence to human rights standards would remain elusive. Consequently, national capacity-building should be at the centre of the international community's effort to promote human rights, as in the case of the forthcoming Khmer Rouge trials in Cambodia.

22. National human rights institutions had a seminal role to play in promoting and protecting human rights, and their independence, autonomy and genuine powers of investigation must be assured. India intended to present its biennial resolution on that question. The growing intrusiveness of United Nations agencies into areas that fell within the purview of States, however, was a matter of increasing concern. The trend could not be justified in terms of national capacity-building, and was as damaging to the human rights edifice as were unchecked proliferation and duplication of mandates.

23. Terrorism had emerged as a truly global threat from which no nation was exempt. No cause, religion or ideology justified terrorism, which devastated the human rights of those it targeted, especially the most fundamental, the right to life. It would be a mistake to think that States were the only ones that could violate human rights.

24. For States, the challenge lay in striking the right balance between curbing terrorism on the one hand and adhering to international law and human rights standards on the other. Collectively, nations must ensure that the human rights debate was not used for the pursuit of narrow political agendas or to fulfil territorial ambitions.

25. **Ms. Olamendi** (Mexico) said that, after three years in office, the Government of President Vicente Fox had laid the foundations for achieving the full enjoyment of human rights. A number of key steps had been taken to develop a national human rights policy based on three pillars, namely, accession to international human rights instruments, openness to scrutiny and international cooperation and willingness to respect the recommendations of competent bodies. Within the framework of that policy, several concrete actions had been implemented, such as the establishment of the Governmental Commission on Human Rights Policy, the creation of human rights units in the vast majority of federal Government offices, the entry into force of a federal law to prevent and eliminate discrimination and the establishment of the Office of the Special Prosecutor for the Investigation of Past Crimes. An extensive country-wide system for the protection of human rights also existed in Mexico, comprising some 32 state commissions and a National Human Rights Commission.

26. One of the first issues to be addr ssed by the Governmental Commission on Human Kights Policy was the 388 recommendations made to the Government of Mexico by the various international monitoring bodies and mechanisms, the vast majority of which were the result of the 13 official visits made to the country over the preceding three years.

27. Significant progress had also been made with the implementation of a number of cooperation programmes. The Technical Cooperation Programme between the Government of Mexico and the Office of the High Commissioner for Human Rights was in its second phase and the Office would be presenting a survey of the human rights situation in the near future. In addition, negotiations with the European Commission had been concluded on a cooperation agreement that would help to strengthen the mechanisms for negotiation and dialogue between the Government and civil society organizations.

28. The work being done at the domestic level in Mexico was consistent with its active foreign policy, the fundamental goals of which were the promotion of higher standards of protection and the strengthening of international monitoring mechanisms. In that connection, Mexico had in recent years launched major initiatives that had gained the support of States

committed to the promotion of human rights in all areas of the world.

29. With regard to the legitimate fight against terrorism, States had an obligation to ensure that any measure adopted was consistent with international human rights, humanitarian and refugee law. There was a need further to strengthen cooperation mechanisms and the role of the competent international organizations to increase the effectiveness of efforts in that area.

30. Turning to the subject of persons with disabilities, she said that States had recognized the importance of elaborating an international instrument to protect the rights of that group and to help remove obstacles preventing their full and equal integration into society. Although significant steps had been taken in that direction, the process was advancing very slowly, and she hoped that the proposals of the Joint Working Group would make it possible to begin negotiations on a binding legal instrument in the near future.

31. States also had a duty to protect especially vulnerable groups, such as migrants, from human rights violations. More than 150 million people worldwide now lived outside their countries of origin. Migrants were the victims of stereotyping, new forms of racism and intolerance and even slavery and she wished to reiterate the concern of the Government of Mexico regarding the persistence, in various parts of the world, of policies and practices that affected their human rights. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had entered into force on 1 July 2003 but the number of States parties was still limited. She appealed to all States seriously to consider acceding to that instrument.

32. Lastly, in September 2002 the Inter-American Court of Human Rights had issued an advisory opinion in which it categorically found that the legitimate stay of a person in a State was not a necessary condition for that State to respect and guarantee the principle of equality and non-discrimination, since that principle was fundamental in nature. That opinion reinforced international law in the field of human rights and provided States with an important clarification regarding their obligations in the area of non-discrimination.

33. **Mr. MacKay** (New Zealand) said that, at a time of global uncertainty and change, it was important to remember that human rights were fundamental to prosperity and international security. The international community must address widespread limitations on the exercise of political, civil, economic, social and cultural rights, which were often among the root causes of problems and conflicts, with more determination. In that connection, open and constructive dialogue was essential. All States must work with the United Nations to ensure that the international instruments to promote and protect human rights were universally accepted and applied.

34. The promotion of human rights was a collective responsibility which transcended international boundaries. New Zealand had therefore chosen to continue to voice concern where there was compelling evidence of gross human rights violations with a view to protecting the rights and freedoms of the most vulnerable and those without a voice in international forums. He applauded the courage of all human rights defenders, particularly those working in countries which had chosen to ignore international standards, and reminded all States that freedom of expression, including unfettered media freedom, was a fundamental human right.

35. During the preceding year, he had noted with dismay actions to restrict the freedoms of speech and assembly in Zimbabwe and the continued undermining of the rule of law and the independence of the judiciary and the media. He was also deeply concerned by the Zimbabwean Government's attempts to exert influence over the distribution of humanitarian aid by international relief organizations. He reiterated his call to the Zimbabwean Government to comply fully with its international human rights obligations and restore democratic governance and the rule of law to the country.

36. Turning to the situation in Nigeria, he welcomed the recent decision to overturn a conviction of adultery issued by a Shariah court. New Zealand would continue to encourage the federal Government of Nigeria to strengthen its judicial institutions and abolish capital punishment, in accordance with its constitutional values and international human rights law.

37. New Zealand was still monitoring the peace process in the Sudan and urged the Government and the Sudan People's Liberation Army to respect fully the ceasefire and to work together to ensure a just and

lasting peace. In the context of the transition to democracy, he called on the Sudan to comply with its obligations under international human rights instruments.

38. With regard to the ongoing conflict in Israel and the occupied territories, he said that suicide bombings and State-sponsored assassinations were continuing to feed the cycle of violence and were causing the suffering of innocent people on both sides. He urged both parties to refrain from violence, to identify and bring to justice those responsible for human rights violations and to observe fully international human rights standards. He strongly supported the efforts of the Quartet to work towards a peaceful resolution and called on all parties to re-engage actively in the process. To that end, the Palestinian Authority should take tangible steps to demonstrate its rejection of violence and Israel should desist from imposing obstacles to reconciliation, in particular the security wall around the West Bank.

39. He welcomed the participation of Iran in a dialogue with its partners on human rights issues and its willingness to cooperate with United Nations mechanisms in that area. He urged the Iranian Government to take all possible steps to ensure full respect for human rights and to address all areas identified in earlier reports as requiring attention.

40. Turning to the situation in Afghanistan, he said that New Zealand welcomed the progress achieved in implementing the Bonn Agreement and supported the efforts of the Transitional Authority and the Constitutional Commission to restore constitutional, democratic government. Nevertheless, he urged both the Transitional Authority and the Afghan Independent Human Rights Commission to continue to address areas of concern, inter alia intimidation and violence against activists and women's rights.

41. A prolongation of the status quo in Myanmar was untenable. Along with other members of the international community, New Zealand condemned the re-arrest of Aung San Suu Kyi and urged the authorities in Yangon to release her, and all other political prisoners, immediately and begin the process of national reconciliation. He was deeply disturbed by continued reports of systemic and pervasive human rights abuses and observed that further suffering was being caused by the ongoing deterioration of the economic and humanitarian situation. He called on the authorities in Myanmar to heed the voice of the international community.

42. The human rights situation in the Democratic People's Republic of Korea, which continued to set itself apart from the international community, was also extremely troubling. He urged that country to respect its international obligations and to allow access to independent human rights observers.

43. He welcomed the continued improvement in socio-economic conditions in China and hoped that that improvement would be matched by a corresponding increase in civil and political freedoms and that China would soon ratify the International Covenant on Civil and Political Rights. In addition, he encouraged China to strengthen cooperation with the special procedures of the Commission on Human Rights. Although the commitment of the Chinese leadership to the development of a society under the rule of law was commendable, he expressed concern over restrictions on freedom of expression and religion and reports of arbitrary arrest and mistreatment of prisoners. Nevertheless, he was heartened by recent efforts within the academic community to review the use of the death penalty and encouraged the Government to pursue those deliberations. Furthermore, New Zealand continued to urge China to expand the dialogue with the Dalai Lama and allow greater participation by the Tibetan people in decisions regarding their development.

44. The outcome of the Timor-Leste ad hoc human rights tribunals in Indonesia had been disappointing. In his view, the process had not delivered justice for the crimes against humanity committed in Timor-Leste in 1999 and had contained a number of serious deficiencies which cast a shadow over the credibility of the verdicts. In addition, he was concerned that the sentences handed down were not commensurate with the seriousness of the crimes committed. He hoped that the appeals process would be consistent with international standards and would be conducted transparently.

45. Lastly, the ongoing reports of human rights abuses in Chechnya and Ingushetia were disturbing. While he acknowledged the right of the Government of the Russian Federation to defend its territorial integrity and combat terrorism, he urged both parties to the conflict to halt the pattern of violence and called on the Government, in cooperation with international

representatives, to investigate rigorously all alleged human rights violations. He expressed concern about the plight of internally displaced populations in Ingushetia and those who had returned to Chechnya and called on the Government of the Russian Federation to ensure their safety and security and to provide equal and fair access to humanitarian support and compensation for damage or destruction of property.

46. **Mr. Konfourou** (Mali) noted that respect for citizens' rights and freedoms and their equality before the law were enshrined in the Malian Constitution. Following the advent of peace and the introduction of democracy, in 1991, Mali had strengthened its institutional mechanisms for the protection and promotion of human rights and had unequivocally reiterated the principle of the separation of powers. Therefore, in addition to the traditional human rights institutions, the Government had also established the National Consultative Commission on Human Rights, the Ombudsman of the Republic and the Committee on Equal Access to State Media.

47. In addition, on 10 December every year, the "Space for Democratic Exchange" (EID) provided a forum for citizens to voice any complaints they might have regarding the exercise of their rights. In the weeks leading up to 10 December, a commission was set up in order to rule on the admissibility of complaints and on the day itself the complainants aired their grievances before a jury, composed of Malian nationals, foreigners and representatives of civil society, and the national press. The jury then made recommendations to the Government, which were rigorously followed up and evaluated.

48. Mali recognized and guaranteed fundamental freedoms, inter alia, the freedom of expression, which was an essential element of a democratic society. It also ensured equity in the judicial process, through the provision to all defendants of a legal adviser during the preliminary proceedings.

49. Lastly, he pointed out that the Malian Government had ratified almost all the international human rights instruments and reaffirmed the commitment of his delegation to strengthened regional and international cooperation with a view to their effective implementation.

50. **Mr. Hachani** (Tunisia) expressed particular concern about human rights violations committed against populations living under foreign occupation and the growing numbers of people living in poverty. The international community should step up its efforts in the areas of development and poverty eradication, given that guaranteeing respect for human rights required an integrated approach in order to ensure access to basic social services, education and health care, the introduction of a minimum wage, the strengthening of local social service structures and the mobilization of adequate resources. In that context, there was a need to treat social and economic and civil and political rights equally.

51. It was widely recognized that, in accordance with the Vienna Declaration and Programme of Action, human rights and human development shared a common purpose: to secure the freedom, well-being and dignity of all people everywhere. The report of the Acting High Commissioner for Human Rights emphasized that the notion of development was no longer understood as only economic growth, raising national income or technology-transfer issues, but was also construed as enhancing people's capabilities.

52. Human rights education was a determining factor in the promotion of an environment conducive to the protection and consolidation of those rights. In that connection, his delegation endorsed the recommendation of the Acting High Commissioner regarding the need to pursue efforts to create a culture where tolerance and respect for the other, rather than violence, prevailed. It also commended the contribution made to that end by the mechanisms of the Commission on Human Rights, in particular the special rapporteurs on freedom of religion and racism.

53. Within the framework of the implementation of Tunisia's commitments under the international human rights instruments to which it was a party, concerted efforts, including constitutional reform and the introduction of democratic governance, had been made at the domestic level to create an environment conducive to citizens' well-being and personal development. Thus, in accordance with a global human rights strategy, deep-seated reforms, affecting almost all current legislation, were under way with a view to strengthening political pluralism and freedom of expression and association. Socio-economic reforms had also been undertaken, and progress had been made in, inter alia, the areas of education, health and the rights of women and children.

54. **Mr. Erwa** (Sudan) expressed appreciation for the efforts of the Representative of the Secretary-General on internally displaced persons to remain in constant communication with Sudanese officials in the context of the preparations for the first regional conference on internal displacement of the Intergovernmental Authority on Development (IGAD), held in Khartoum in September 2003, the details of which were contained in paragraph 35 of the Representative's report (A/58/393). With his coordination, the United Nations and the German Agency for Technical Cooperation (GTZ) had joined the Sudanese Government in funding that conference, which had been attended by the IGAD member States, the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations High Commissioner for Refugees (UNHCR), as well as by many Sudanese and other non-governmental organizations (NGOs).

55. It was extremely regrettable that the Sudanese Government had received no official notification of the seminar, held in Rumbek in November 2002, on internal displacement in Southern Sudan, details of which were contained in paragraph 25 of the Representative's report. It was a matter of concern that the Representative and the other organizers of the seminar had bypassed the recognized official procedures for such matters, in which regard he stressed the importance of respect for the sovereignty of States and their national regimes. He hoped that efforts would be made to avoid any recurrence of such regrettable oversights, bearing in mind the sensitivity of displacement issues and the delicate situation in the areas where the seminar and its preceding workshop had been held. Lastly, he encouraged the Representative to pursue wide-scale consultations on the Guiding Principles on Internal Displacement, which he believed to be the best method of achieving consensus on the subject within a comprehensive government framework, thereby guaranteeing the success of the Representative's mandate.

56. **Ms. Rodsmoen** (Norway) said that, in the name of the fight against terrorism, human rights were being seriously affected and combating terrorism was being used as a pretext for torture and to silence human rights defenders.

57. Development and poverty eradication also entailed the promotion of human rights. Access to a health system and to education was essential for realizing an individual's right to physical integrity and freedom of expression. Empowered individuals were powerful agents of development and change and oppressive regimes did not foster sustainable development.

58. In addition, human rights issues were an essential part of conflict resolution and peace-building efforts and should be better integrated into the relevant United Nations activities. Civilians were the principal victims of conflict, which led to massive displacements. Member States should send a strong message that they accepted their responsibilities with regard to the internally displaced and were willing to offer them stronger protection and more assistance. The United Nations High Commissioner for Human Rights could play an even more important role in assisting countries emerging from conflict and should be provided with the necessary resources to meet that challenge.

59. Norway remained strongly opposed to the death penalty, which it believed could have no justification; the goal was universal and absolute abolition. Moreover, it was essential to conduct impartial investigations into all allegations of human rights violations and follow up findings.

60. Norway remained deeply concerned about the situation of human rights and international humanitarian law in Belarus, Chechnya, Colombia, Israel, Myanmar, Nepal, the Democratic People's Republic of Korea, Palestine, Turkmenistan and Zimbabwe but welcomed positive developments in China, the Democratic Republic of the Congo, Sierra Leone and the Sudan. Afghanistan and Iraq had recently undergone dramatic changes and now had the chance to establish the rule of law, democracy and respect for human rights, with the help of the international community. Following the recent arrests of independent journalists, it urged Cuba to respect the right to freedom of expression and association. Challenges remained in most of those countries and he urged Governments further to promote and protect human rights and recommended that the international community should continue to follow the situation closely.

61. Norway welcomed the award of the 2003 Nobel Peace Prize to Shirin Ebadi of Iran. Ms. Ebadi had been a staunch defender of human rights for many years and had shown that human rights were universal and did not belong to one culture or religion. He hoped

that the Prize would contribute to a better understanding of the role of human rights defenders and improve the human rights situation in Iran.

62. Lastly, denying women their universally recognized human rights deprived many countries of the resource that women represented when they were full contributors to social and economic progress. Women should be granted full and equal participation in all areas of society.

63. **Mr. Roduit** (Switzerland) said that Switzerland was concerned by the increasing polarization of discussions within the Commission on Human Rights, which affected its authority and credibility. It had therefore decided to become actively involved in initiatives to make the work of the Commission more objective and transparent and favoured a progressive approach with the support of most member States and all the regional groups. Specific measures could include following up geographical and thematic resolutions, increasing the involvement of national human rights institutions in the Commission's sessions, and setting up a database on each country so as to increase the objectivity of discussions on the situation of human rights throughout the world.

64. Human rights had been adversely affected by the fight against terrorism. Consequently, links between the work of the Commission on Human Rights and the Security Council should be encouraged. For example, a human rights expert could be appointed to assist the Counter-Terrorism Committee, and the General Assembly could encourage the Commission to establish a special procedure for aligning counter-terrorism measures with human rights, or increase the visibility of the mandate of the Special Rapporteur on human rights and terrorism by inviting her to present her reports to the Third Committee.

65. With regard to women's issues, Switzerland welcomed efforts to involve women in official peace processes. The feminization of migration should oblige Governments to establish migratory policies that took women's specific vulnerability into account. Trafficking in women and children urgently required concerted efforts to eradicate its underlying causes and Switzerland was committed to the protection of the fundamental rights and freedoms of the victims, as well as to prevention efforts.

66. Switzerland supported the Secretary-General's efforts to open the United Nations to all entities able to contribute to achieving the Organization's objectives, particularly the Millennium Development Goals. The private sector's entry into the arena opened up new opportunities for the promotion and protection of human rights. Nevertheless, its efforts could only be complementary to those of the Governments of Member States and Switzerland favoured constructive partnership strategies to improve human rights.

67. **Mr. Luria** (Israel) said that his Government recognized the growing importance of teaching the younger generation about human rights, particularly in view of the heterogeneous nature of Israeli society and of the ongoing conflict with the Palestinians. In contrast to the previous view that Israeli society should be a "melting pot", the prevailing concept was one of multiculturalism in order to encourage the cultures and traditions of the diverse groups. The educational system endeavoured to enable all students, irrespective of their background, origin, culture or religion, to integrate into Israeli society as equal citizens.

68. As part of the effort to foster understanding and respect between Jews and Arabs, schoolbooks were presenting the history of Palestinians next to the history of Zionism. The introduction of that initiative during the height of the conflict with the Palestinians illustrated his Government's vision of educating the younger generation to value co-existence, tolerance and respect for others. Likewise, one of the objectives of the civics education course was to inspire commitment to a democratic form of government and to encourage students to internalize a world view of human rights as the heritage of all mankind.

69. In addition to the regular curriculum, the Israeli authorities had organized various informal structures that contributed to human rights education. They included a youth and society department attached to the Ministry of Education, which attempted to prepare young people for responsible citizenship and involvement in community life. The Ministry of Education had also established an affirmative action programme to raise academic achievement by allocating additional resources to the Arab, Bedouin and Druze sectors.

70. The extent to which a society was committed to upholding human rights was sorely tested in times of tension and conflict. Israel trusted that its education for human rights initiatives would stand it in good stead in the difficult times it was experiencing.

71. *Ms. Maertens (Belgium), Vice-Chairman, took the Chair.*

72. **Mr. Amorós Núñez** (Cuba) said that the need to recognize fundamental human rights and the equality of the rights of men and women and large and small nations was more important than ever. However, that was difficult to accomplish when neo-liberal globalization had resulted in an increase in inequality and exclusion in most countries. The current world order resulted in a reduced group of countries enjoying and disseminating unreasonable, unsustainable and unachievable consumer patterns. The abyss between wealth and poverty was increasing not only among developing and developed countries, but also within the industrialized world itself, in the pockets of poverty fed by phenomena such as migration. If firm action was not taken, the right to development would increasingly be a chimera. To promote and protect the rights of the individual, it was necessary to overcome the conditions in which only a minority had full access to the wealth of humanity.

73. The Vienna Conference on Human Rights had reaffirmed the importance of the promotion and protection of all human rights and fundamental freedoms and the need to promote dialogue using objectivity, impartiality and non-selectivity as guiding principles. However, in the different bodies of the United Nations human rights mechanisms, political manipulation and selectivity were increasingly used by some of the industrialized countries who were trying to impose their standards and models of democracy and human rights. Human rights were being politicized, using double standards and selective approaches, not only in the consideration of country situations, where the developing countries were singled out for criticism, but also in the unbalanced treatment of human rights, with civil and political rights favoured over economic, social and cultural rights and the right to development.

74. Such attempts to judge and stigmatize developing countries were generating a process of rejection. The industrialized countries had no intention of promoting cooperation or strengthening the protective function of the relevant United Nations bodies, because that would entail respecting the basic principles of international cooperation, to which they had shown no commitment. The Committee had heard some arrogant and politically motivated statements containing inaccurate, incomplete and selective lists, focusing, as always, on the countries of the South.

75. The world could not be expected to conform to the standards of a limited number of industrialized societies, which had not shown themselves to be more just or equitable despite their vast material wealth. The limitations, problems and challenges of the human rights issue were present in one way or another in both developing and developed countries. For example, in many of the industrialized countries that advocated democracy, anti-democratic practices were rife; likewise, there were growing restrictions to the exercise of the most elemental civil and political rights in many of those nations on the pretext of combating terrorism. There were growing restrictions to the freedom of opinion and expression of groups, organizations and individuals who denounced the devastating effects of the neo-liberal model, consisting of an unfair globalization lacking solidarity of social justice.

76. Democracy and universality could be based only on genuine respect for the right of peoples to give themselves the political, economic and social organization they deemed appropriate, without external interference.

77. **Mr. Mushtaq** (Pakistan) said that the reports before the Committee served as a grim reminder that, fifty-five years after the adoption of the Universal Declaration of Human Rights, the full realization of human rights still had not been achieved. The attacks of September 2001 and subsequent events represented a major reversal in the promotion and protection of human rights. Terrorism violated human rights, and State terrorism against occupied peoples was its worst form. Some States had exploited the international campaign against terrorism to justify repression by associating the legitimate struggle for self-determination with terrorism; Palestine and Kashmir were two examples.

78. The people of Jammu and Kashmir continued to be deprived of their right to self-determination. They were still waiting for India to keep the promise made over 55 years earlier, that they would be able to choose their destiny through a United Nations-supervised plebiscite as prescribed in the relevant Security Council resolutions. The reign of terror unleashed against them by the Indian security forces had become more oppressive by the day, under the pretext of combating cross-border terrorism. A series of laws recently adopted gave them cover to indulge in mass violations of human rights. The dramatic increase in

extrajudicial killings and incidents of desecration of Muslim places of worship provided ample evidence of that alarming trend. The international community must impress on India the need to end its campaign of repression against the Kashmiri people. A just settlement of the dispute in Jammu and Kashmir would transform the region and enable its people to focus their energies on development.

79. Poverty was the single most significant cause of human rights violations, and developing countries continued to contend with acute problems like unsustainable debt burden, reverse financial flows, unequal terms of trade and lack of market access. Determined efforts were needed to contain the negative aspects of globalization and to ensure that development opportunities were available to all. Comprehensive assistance to the poorest countries to enable them to achieve their social and economic goals was the best means of protecting human rights.

80. The United Nations treaty system and other human rights mechanisms needed to streamline their activities, taking into account the difficulties faced by developing countries in responding to requests for information, reports and cooperation. The objective of those mechanisms should be the promotion and protection of human rights, not fixing blame.

81. **Ms. Chenoweth** (Food and Agriculture Organization (FAO)) said that the Intergovernmental Working Group established in the context of the follow-up to the World Food Summit had prepared a first draft of a set of voluntary guidelines to support the progressive realization of the right to adequate food. At its recent second session, on the basis of that draft, the Intergovernmental Working Group (IGWG) had discussed the legal implications of the guidelines, their structure and purpose and individual draft guidelines. It expected to submit the final draft voluntary guidelines for approval at the September 2004 session of the Committee on World Food Security.

82. A number of challenges must be overcome relating to the legal status of the right to food, which not all members of FAO and the United Nations recognized as legally binding. A second difficulty arose from the wording of the mandate of the IGWG to focus on the context of national food security; in a globalized world, policies in one country might affect the enjoyment of the right to adequate food in another.

83. FAO saw the voluntary guidelines as a practical tool to use in its own work. It was eager to have an instrument that would help its members adopt a rights-based approach to food security and nutrition. It had established an ad hoc unit on the guidelines and was working closely with the Office of the High Commissioner for Human Rights, the World Food Programme and the International Fund for Agricultural Development on that issue.

84. She drew attention to the International Alliance Against Hunger, which had been launched at the twenty-third observance of World Food Day on 17 October 2003. The Alliance represented a new partnership among Governments, food producers and consumers, community organizations and all other partners to work together to reduce poverty and guarantee freedom from hunger.

85. **Mr. Dall'Oglio** (International Organization for Migration (IOM)) said that it had been correctly pointed out that migrants' remittances to their home countries far surpassed official development assistance flows from developed countries to developing countries; they had exceeded US$ 80 billion in 2002. That implied, paradoxically, that the most substantive contribution to low-income countries came from the most vulnerable populations in the wealthiest countries, the emigrants; that was an important example of the relationship between human rights and development. Empowering migrants, therefore, was not only a moral obligation but an important investment for countries of origin and destination.

86. The International Organization for Migration welcomed the entry into force of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Transnational Organized Crime. Those instruments and their protocols offered a powerful framework for international cooperation to promote effective migration management. Awareness-raising, technical cooperation, advisory services and capacity-building would be crucial to broaden their ratification and support States parties in their effective implementation. IOM worked with Governments to ensure that their legislation and control mechanisms were compatible with international norms. It also worked directly with migrants to ensure that their rights were protected and that they had access to necessary information.

87. IOM continued to work towards the ratification of the Convention on the rights of migrants, and had participated in information campaigns in various countries to raise awareness of migrants' rights. More broadly, it was engaged in efforts to present a more realistic picture of the contribution migrants made to host societies.

88. In closing, he paid tribute to the Special Rapporteur for her tireless work in keeping the issue of migrants' rights on the agenda of the international community, and reassured her that IOM would continue to support her mission.

89. *Mr. Belinga-Eboutou (Cameroon), Chairman, resumed the Chair.*

90. **Mr. Rim** Song Chol (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the delegation of Japan continued to use the incorrect name for his country; he requested it to use his country's official name.

91. His delegation categorically rejected the allegations made by Japan regarding abductions. The responsibility actually lay with Japan because of its hostile policies towards his country. Anti-Japanese sentiment had continued to grow generation after generation. During the 40-year Japanese military occupation of Korea, 1 million people had been killed and women had been forced into sexual slavery. No family had escaped Japanese atrocities, and that toll could not be compared to a few missing persons. Japan should first apologize for its actions.

92. The Government of the Democratic People's Republic of Korea had shown sincerity and generosity towards its neighbour. The Pyongyang Joint Declaration had resolved the issue of the missing persons, but Japan had not kept its commitments and had abrogated the agreement. It had brainwashed the abductees who had travelled to Japan. If the missing persons were a priority, it should have returned those survivors.

The meeting rose at 12.55 p.m.

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Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

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The meeting was called to order at 3.15 p.m.

Agenda item 117: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/58/118, A/58/118/Corr.1, A/58/121, A/58/181, A/58/181/Add.1, A/58/185, A/58/185/Add.1, A/58/185/Add.2, A/58/186, A/58/212, A/58/255, A/58/257, A/58/261, A/58/266, A/58/268, A/58/275, A/58/276, A/58/276/Add.1, A/58/279, A/58/296, A/58/309, A/58/317, A/58/318, A/58/330, A/58/380, A/58/533 and A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/58/127, A/58/218, A/58/219, A/58/325, A/58/334, A/58/338, A/58/379, A/58/393, A/58/421, A/58/427, A/58/448, A/58/534 and A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights *(continued)* (A/58/36)

1. **Mr. Neil** (Jamaica) said that it was essential that the activities undertaken by the international community for the promotion and protection of human rights and fundamental freedoms should comply with the principles laid down in the United Nations Charter. The area of human rights involved some delicate issues (in particular, cultural pluralism, differences in political systems, contending national interests, respect for sovereign rights and the principle of non-interference and the definition of universal human-rights standards). Adherence to principles was therefore very important with regard to how the United Nations would proceed and what initiatives should be carried out. The Jamaican delegation considered that four main principles should guide the approach.

2. The first principle was the adoption of balanced approaches, which took account of the human person as whole and of its needs. Economic, social and cultural rights should be adequately promoted alongside the fundamental civil and political rights. The right to development was important, but in practice, in developing countries, constraints linked to limited capacities and resources undermined its exercise. Global economic imbalances should therefore be addressed to ensure that individual rights were exercised without jeopardizing the rights of others and the common good.

3. The second principle was respect for cultural diversity. By acknowledging the existence of various value systems and traditions, the international community enhanced prospects for a full realization and enjoyment of human rights and fundamental freedoms.

4. The third principle consisted in objectivity, non-selectivity and impartiality. It ensured the credibility of the United Nations system, especially its mechanisms for promoting and protecting human rights. Accordingly, every effort should therefore be made to reject the politicization of human rights; and it was vital to preserve the integrity of the Office of the High Commissioner for Human Rights (OHCHR) and to guarantee the impartiality of special rapporteurs and special representatives, who should engage in constructive dialogue with all parties concerned.

5. Terrorism posed one of the most serious challenges to the enjoyment of human rights and fundamental freedoms. At the same time, human rights and fundamental freedoms must not be compromised by considerations and policies favouring interests presumed to be higher. Concerned that in many societies acts of racism and xenophobia violating the human rights of migrants and minorities were on the increase, Jamaica also supported the appeal to all States to remove urgently legislative and administrative obstacles preventing those persons from exercising their fundamental rights.

6. The fourth principle consisted in strengthening existing treaty bodies and human rights mechanisms and procedures. Practical measures, particularly the simplification of reporting procedures, were needed to remedy weaknesses that still characterized the system. In conclusion, the international community should continue to work together in order to create an environment more conducive to human rights and based on the principles of equality, justice and mutual respect.

7. **Mr. Chedid** (Lebanon) recalled that the notion of human rights was founded essentially on human knowledge and experience and on the values and moral principles reflected in the Universal Declaration of Human Rights and other international instruments adopted by the United Nations.

8. Lebanon firmly believed in the notion of human rights, endeavoured to protect and strengthen them and had actively participated in formulating the relevant international legislation. Freedom, democracy and religious tolerance were fundamental rights, indispensable to social development and prosperity. Religious tolerance and intercultural dialogue were well illustrated in Lebanon, with its unique multi-denominational structure, a testimony to the country's deep faith in freedom and its readiness to accept difference.

9. Under the Declaration on the Right to Development, the right to development constituted first a right of peoples and secondly a right of individuals; was a core human right; and implied that economic, social, political and cultural rights were interdependent. If development were a right of peoples, then governments, the international community and individuals had an obligation to support the policies that enhanced it.

10. The right of peoples to live on their land was a fundamental right, confirmed by national legislations and international law. The Palestinian people, expelled from its land in 1948 by Israel, still lived - miserable and dispersed - in various neighbouring countries, including Lebanon, host to many Palestinians still inhabiting refugee camps.

11. Draft resolutions and other proposals providing for the settlement of Palestinian refugees in the countries where they currently were ran counter to the fundamental rights of the human person. Convinced that Palestinian refugees had the right to return to their homes, Lebanon rejected categorically any attempt to ensure their settlement on Lebanese territory. Lebanon's position was stated in the Agreement of Taef, which had been approved by the Security Council; enshrined in the Lebanese Constitution; and confirmed in the peace initiatives adopted at the Beirut Summit in March 2002. Resolution 194, adopted by the General Assembly in 1948, provided for the repatriation of Palestinian refugees but had never been implemented by Israel.

12. He thanked the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 for his transparent report (E/CN.4/2004/6) and said that he shared his concern over the human-rights violations committed daily in the occupied Arab territories. It was regrettable that the Special Rapporteur had been prevented from visiting Israeli prisons and detention centres and talking to officials in order to look into complaints about torture of detainees. The international community should exert pressure on the Israeli Government to allow the Special Rapporteur or an independent international committee to conduct an investigation into those charges.

13. Lebanon condemned Israel's practices in the occupied Arab territories and its refusal to cooperate with the United Nations. Lebanon failed to understand how the international community could disregard Israeli legislation that authorized capturing Lebanese in Lebanon's territory and using them as hostages to be exchanged for Israelis taken prisoners in Lebanese territory.

14. The Economic and Social Council (ECOSOC) had approved the Special Rapporteur's request to the Secretary-General to ask the Israeli Government to comply with the provisions of resolution 2003/8 of the Commission on Human Rights on the human rights situation of the Lebanese detainees in Israel. As document A/58/218 confirmed, the Israeli Government had not responded to that request.

15. **Mr. Schurti** (Liechtenstein) said that the reporting system was a core element of United Nations human-rights work and its effectiveness should be a principal goal of that work. As a small state giving human rights priority in its foreign policy and attaching particular importance to treaty body reform, Liechtenstein had hosted at Malbun, in May 2003, a seminar organized on that issue with the Office of the High Commissioner for Human Rights (OHCHR). The representative of Liechtenstein welcomed the follow-up that had taken place since then, especially in the framework of the Inter-Committee Meeting, which had particularly dealt with recommendations on elaborating guidelines for an expanded core document and on harmonizing the reporting guidelines.

16. The discussions that had taken place on treaty body reform had made it clear that practical measures could go a long way towards addressing the problems faced by States Parties and treaty bodies in their work.

An informal dialogue between treaty bodies and States Parties and among treaty bodies would be conducive to further progress. One major issue that all needed to address was the problem of non-reporting. It affected the effectiveness of the system seriously and called for clear decisions.

17. Liechtenstein concurred with the Jamaican delegation that the overall goal of the treaty body reform was to make the process less bureaucratic and less onerous for all parties concerned, while enhancing its political relevance. Liechtenstein recommended strengthening dialogue at the time of submission of a report and between submissions of successive reports.

18. The treaty body system was part of the human-rights machinery, and the issue of resources remained a major concern in that respect. The budget of the Office of the High Commissioner for Human Rights (OHCHR) was seriously under-funded. The fact that it largely relied on voluntary contributions to finance its activities was unacceptable. Rationalization and reform were needed to further improve the treaty body system, but the international community should also make a worthwhile investment by providing OHCHR and the Division for the Advancement of Women (DAW) with the means that they needed in order to assist and advise States on how best to comply with their reporting obligations.

19. **Mr. Lukyantsef** (Russian Federation), after offering his condolences for the tragic death of the High Commissioner for Human Rights in Iraq, said that his country deplored the politicization of the work of the Commission on Human Rights and the Third Committee, the confrontations that it caused, and the double standard applied when it came to assessing the human-rights situation in various countries or regions - a practice that not only did not further cooperation but was actually playing into the hands of those who sought to use human-rights issues to saw distrust and antagonism in international relations.

20. Referring to terrorism that - as it was stated in paragraph 17 of the Vienna Declaration - aimed at eliminating human rights, fundamental freedoms and democracy, the representative of the Russian Federation said that the phenomenon should be combated by the international community as a whole. Individual assessments and approaches were not called for and the view that some terrorist acts were justified while others were not should be avoided. The Russian Federation considered terrorism unjustifiable under any circumstances. Convinced that every person had a right to live without fear, the Russian Federation had proposed at the fifty-seventh session of the General Assembly that a code should be drawn up, consisting in a set of measures designed to protect human rights and fundamental freedoms from terrorist acts. Accordingly, it welcomed the fact that resolution 2003/37 of the Commission on Human Rights comprised all of the elements that such a code should include and hoped that the General Assembly would follow that example when the draft resolution on the issue would be examined at the current session.

21. The Russian Federation hailed the reforms undertaken by the Commission on Human Rights (high-level debate and improved dialogue with the special procedures of the Commission). They were doubtlessly a step in the right direction. Yet, the Russian Federation was concerned over the increase in disagreements and confrontations that had characterized work in 2002. They reflected negatively on the efficiency and authority of United Nations bodies defending human rights. To remedy the situation, the States should change their way of addressing the problems examined.

22. As a result of decreased efficiency and effectiveness shown by the Commission in recent years, the issue of human rights had become considerably politicized and some States had sought to replace the responsible officers - an attitude hardly conducive to improving the work of the human-rights bodies of the United Nations or to solving the numerous humanitarian problems. The States should shun stereotypes of the past and stop pursuing their own political interests.

23. The universality of human rights implied that their protection should unify the various countries and encourage constructive cooperation in the humanitarian area, with due consideration for specific national and regional characteristics and for the religious, historical and cultural traditions of each State.

24. It was largely incumbent upon the States to promote and protect human rights. International mechanisms should play an auxiliary monitoring role. Consequently, the Russian Federation was looking forward to cooperating actively with the Office of the High Commissioner for Human Rights, the treaty bodies, the special procedures of the Commission on

Human Rights and the non-governmental organizations (NGOs) involved in human rights. The technical cooperation agreement that it had signed with the Office of the High Commissioner would enable the Russian Federation to improve human-rights education at home.

25. In 2003, the Russian Federation had submitted periodic reports to the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Furthermore, the Special Representative of the Secretary-General on internally displaced persons had visited the country in September 2003, while the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences would visit it in 2004.

26. Responding to the statement made by New Zealand in the morning session - in order not to take later again the floor in exercise of the right of reply -, the representative of the Russian Federation said that, in commenting on the situation of displaced persons in Northern Caucasus, a region of the Federation of Russia, New Zealand had unfortunately used erroneous information. The Russian Federation referred New Zealand to the observations made on that matter by the Special Representative of the Secretary-General after his visit to the country - and posted on the Internet site of the Office for the Coordination of Humanitarian Affairs (OCHA). Moreover, as the New Zealand delegation certainly knew, the special procedures of the Commission on Human Rights had no competence to examine human-rights violations in any country. In the case at hand, that task came under the jurisdiction of the competent Russian bodies and they could cope with it without any advice from other countries.

27. **Mr. Idoko** (Nigeria), after offering his condolences for the death of the High Commissioner for Human Rights and his colleagues, who had perished in service to humanity, spoke on agenda items 117 (c) and (e) and said that his delegation hailed the promotion of human rights education through such institutions as the Sub-regional Centre for Human Rights and Democracy in Central Africa; commended the efforts of the Office of the High Commissioner for Human Rights (OHCHR) in establishing and strengthening national institutions promoting human rights; and welcomed the efforts of the Ad hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

28. The Nigerian delegation shared the anxieties expressed in paragraph 49 of the Secretary-General's report on globalization and its impact on the full enjoyment of all human rights (A/58/257). Globalization did not adequately address the human element, and by extension economic interdependency had failed to take cognisance of the right to employment.

29. While Nigeria recognized that terrorism posed a serious threat to international peace and security, measures aimed at eliminating terrorism should not become an excuse for human-rights abuses, especially in dealing with asylum-seekers, immigrant workers and visitors.

30. The principles that were at the core of Nigeria's domestic and external relations included the promotion and sustenance of democratic governments, the rule of law, social and economic justice, transparency and freedom of expression. The Nigerian people enjoyed all and every freedom and there was not a single political prisoner in the country. Nigerian media were clearly the most vibrant in Africa, as their proliferation showed. In Nigeria, freedom had been beneficial to both the public and the private sector. The country was a Federation with immense cultural, linguistic and religious diversity. Its constituent States enjoyed considerable autonomy - enshrined in the Nigerian Constitution - and were authorized to enact their own laws. Some States had introduced the Islamic Sharia, which did not necessarily contradict the Nigerian Constitution. In fact, the Islamic Sharia contained provisions protecting the defendant, safeguarding in particular the right to appeal - of which Amina Lawal and Rakiya Mohammed had made use. Nobody had been stoned to death in Nigeria since the introduction of the Islamic Sharia in some States.

31. The political asylum granted to Mr. Charles Taylor, former President of Liberia, had been a purely humanitarian gesture. Despite enormous human and material costs, Nigeria had made that sacrifice to facilitate the peace process in Liberia.

32. Human-rights issues could not be treated in isolation. Moreover, no State or community could claim to be completely free of human-rights infringement. Racism, discrimination and police high-handedness could still be observed even in older

democracies. Economic, trade and other policies increasingly exacerbated the problems faced by the poorer economies and peoples, and clearly had human-rights consequences. The international community should encourage dialogue and discourage rash condemnation and stigmatization.

33. In conclusion, the United Nations remained the only universal body that continued to guarantee human rights worldwide. Nigeria therefore urged all delegations to encourage and assist the relevant organs of the Organization to perform their assigned functions without hindrance or interference.

34. **Mr. Traore** (Burkina Faso) expressed his country's deep concern over the tense and troubled international context in which the international community had to defend human rights and to ensure peace, security and stability in the face of armed conflicts, terrorism, poverty, AIDS and the other pandemics and unfair trade competition.

35. The international community should combine its efforts in an active show of solidarity to uphold the international and regional human-rights instruments and to help the young and emerging democracies to exercise their economic, social and cultural rights. Burkina Faso protested against the unfair trade practices under which thousands of farmers in the North were subsidized at the cost of inescapable death for millions of peasants in the South. As the President of Burkina Faso had underscored, solidarity for development was a moral duty of the countries of the North.

36. The African continent, prey to multiple conflicts and serious human-rights violations, faced grave difficulties in the areas of peace, stability and economic and regional development. More than ever before, African countries should show solidarity in defending their fundamental rights and interests in the face of manifest threats. Encouragingly, the African Union at its latest summit, held at Maputo, had appeared determined to mobilize all available means to address those problems. The New Partnership for Africa's Development should enable Africa to assume control of its own development with the international community's support. In that context, the African Union had accepted Burkina Faso's proposal to organize at Ouagadougou in 2004 an extraordinary summit to consider employment promotion and poverty alleviation in Africa.

37. Stability being a prerequisite to development, Africa should put an end to the armed conflicts that continued to ravage the region. Burkina Faso encouraged all antagonists to bring about and consolidate peace in Burundi, Congo, Côte d'Ivoire, Guinea-Bissau, Liberia, Central African Republic, Somalia and Sudan - with the support and concerted action of all stakeholders in the region. Burkina Faso was deeply concerned over the situation of millions of its nationals who had been trapped in Côte d'Ivoire as a result of the conflict. Over 300,000 Burkina Faso nationals, of whom more than 70 percent were women and children, had returned from Côte d'Ivoire under conditions of extreme hardship - and the flow of repatriates continued.

38. Burkina Faso encouraged the protagonists to engage in dialogue with a view to bringing about sustainable peace and ending human-rights violations. Nevertheless, it believed that the perpetrators of such violations should be held accountable and their victims should obtain compensation. Accordingly, it called upon the competent regional and international instances to take appropriate measures and urged the Special Rapporteurs to assess the various situations on the spot.

39. Burkina Faso paid tribute to the United Nations, the African Union, sub-regional bodies and all those involved in conflict resolution and ethnic reconciliation for their activities. Burkina Faso had ratified the Protocol establishing the Peace and Security Council of the African Union and the Statute of the International Criminal Court.

40. Gender equality was a core element of democracy and therefore Burkina Faso endorsed the African Union's recommendation for the adoption of the Additional Protocol on the Rights of Women to the African Charter of Human and Peoples' Rights.

41. Committed to respect for law and order and human rights, Burkina Faso was a democratic, unitary, secular and republican State. As such, it would not tolerate activities and acts that called into question its national unity or territorial integrity. At the same time, it firmly pursued a constructive foreign policy based as a matter of principle on neighbourliness, integration, dialogue and peaceful settlement of disputes.

42. **Ms. Kang** Kyung-wha (Republic of Korea) said that her country welcomed the ever-greater interaction between human rights and development activities in the

United Nations system. The Republic of Korea had experienced that interdependence and mutual reinforcement of the two areas in its own processes of economic growth and democratization. Accordingly, it commended the collaboration that the Office of the High Commissioner for Human Rights (OHCHR) had forged with the United Nations Development Programme (UNDP), UNAIDS and other organizations. It welcomed in particular the Human Rights Institutional Strengthening (HURIST) programme.

43. The interplay between human rights and development was clearly illustrated in the problem of human trafficking. Combating that phenomenon was high on the human-rights agenda of the Republic of Korea, which provided ever-greater protection and assistance to the victims, while toughening the penalties on the perpetrators, and participated actively in international and regional cooperation against human trafficking. The Republic of Korea encouraged OHCHR to amplify its work on preventive strategies for refugees, children and other groups vulnerable to trafficking.

44. Despite efforts put forth by the United Nations, human rights continued to be violated in many places across the world. Responsibility for that state of affairs lay with governments, which could be blamed for negligence, incompetence or outright oppression. The Commission on Human Rights should therefore continue to bring to light patterns of human-rights violations and work with governments to redress the situation. Furthermore, as the end of the United Nations Decade for Human Rights Education (1995-2004) approached, the scope of human-rights education should be firmly extended, over and beyond the rights themselves, to the entire existing edifice of national, regional and international promotion and protection mechanisms.

45. The Republic of Korea applied ever-higher human-rights standards in the various sectors of society. One current focus was on strengthening protection for vulnerable groups and weeding out discriminatory elements and laws (such as "family-head" provisions in the civil code). The Republic of Korea was revising its legislation on children in line with the recommendations of the Committee on the Rights of the Child. Another focus was on measures to ensure protection of the human rights of prisoners and suspects in law enforcement and the administration of justice. In that area, the Ministry of Justice cooperated closely with the National Human Rights Commission, established a year earlier. The Commission focused on three more areas: the rights of non-regularly employed workers, national security legislation reform and elimination of all forms of discrimination. It was also actively engaged in human-rights education. The representative of the Republic of Korea concluded by reaffirming her country's abiding commitment to the vital work of the United Nations towards a world where everyone would live in freedom, equality and non-discrimination.

46. **Ms. Antonijević** (Serbia and Montenegro) said that, although the fight against terrorism was undoubtedly a top priority of the international community, that fight should not result in abandoning established international norms and principles. In that connection, the representative of Serbia and Montenegro commended the recent publication of the Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism by the Office of the High Commissioner for Human Rights.

47. Efforts to eradicate poverty and achieve development would bear fruit only if they had a human-rights basis. Significant progress had been achieved in relation to human rights, primarily in establishing universal norms and principles. The United Nations had played and continued to play the central role in that area. However, despite the existence of a widely accepted normative framework, human-rights violations continued in many parts of the world. The main responsibility for ensuring and protecting human rights lay with States, as the case of Serbia and Montenegro and, for that matter, the region as a whole aptly illustrated. While not much earlier the region had been torn by deadly conflicts and had suffered massive human-rights violations, the Government of Serbia and Montenegro and other governments in the region were currently endeavouring to promote peace and stability by strengthening the exercise of human rights.

48. The authorities of Serbia and Montenegro had taken a number of decisive measures with a view to improving the human- and minority-rights situation and building democracy and the rule of law. The country had ratified all fundamental international human-rights instruments and enacted legislation for their implementation. It had recently signed the Optional Protocol to the Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ratification of a number of Council of Europe conventions was under way. In 2003, Serbia and Montenegro had signed with the Office of the High Commissioner for Human Rights a memorandum of understanding on technical cooperation on several projects involving in particular the improvement of the human-rights situation of vulnerable population segments, especially the Roma and internally displaced persons; the implementation of economic, social and cultural rights; and armed forces reform.

49. Special emphasis had been put on the training of law enforcement personnel. To that end, a number of projects had been implemented in cooperation with the OHCHR and competent regional organizations, particularly the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The termination of the mandate of the Special Representative on the situation of human rights in Serbia and Montenegro and the country's admission to the Council of Europe in 2003 offered testimony that tangible results in human-rights promotion and protection had been achieved.

50. Such progress, however, had been overshadowed by the dire human-rights situation in the Serbian province of Kosovo and Metohija, where non-Albanian communities lacked freedom of movement and faced harassment, discrimination and persecution. If the situation of those communities in Kosovo and Metohija failed to improve substantially, long-term prospects for stability in the province would remain slim. Responsibility in that regard clearly lay with the United Nations Interim Administration Mission in Kossovo (UNMIK) and the provisional institutions of self-government.

51. In conclusion, the representative of Serbia and Montenegro welcomed the establishment of the International Criminal Court - an essential means to promote human rights universally and to ensure international peace and security. Serbia and Montenegro endeavoured to further the process of cooperation with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY).

The meeting was suspended at 16.30 p.m. and resumed at 17.15 p.m.

52. **Ms. Rasheed** (Observer for Palestine) said that the promotion and protection of human rights and fundamental freedoms were essential to the development of society and the prosperity of future generations. It was therefore painfully distressing to address the Committee year after year regarding the multitude of human-rights violations committed by the Israeli occupying forces.

53. The Palestinian delegation appreciated the tireless efforts of the Special Rapporteur of the Commission on Human Rights - a testimony to the international community's unwavering determination to address the tragic plight of the Palestinian people under Israel's oppressive occupation.

54. Any assessment of violations of the human rights of the Palestinian people must be made in the context of foreign occupation (transformed into a brutal form of colonization), which also affected Palestinian refugees, uprooted from their homes for over 50 years.

55. For three consecutive years, systematic human-rights violations, war crimes and State terrorism committed by Israel had combined to dehumanize and devalue Palestinian life. Over 2,600 Palestinians, including women, children and elderly people had been killed and more than 40,000 Palestinians had been injured, many seriously and permanently.

56. Throughout the period reviewed, excessive and indiscriminate use of force by the Israeli occupying forces, employing all types of heavy weaponry to attack heavily populated Palestinian areas, had continued without respite. Those forces had also been practicing extra-judicial executions, in which at least 230 Palestinians had been killed, including over 80 children. In addition to the cost of life and limb during Israel's military campaign, negative psychological effects were in evidence among the population.

57. Also, the human rights of the Palestinian people continued to be violated through administrative detentions and harassment and the physical mistreatment and torture of many of the 6,000 Palestinians currently held in Israeli detention centres - many of them children.

58. Checkpoints, closures and curfews had seriously affected the Palestinian economy. Such measures had for prolonged periods prevented hundreds of thousands of Palestinians from leaving their homes to attend to their daily occupations and led to a critical shortage of

basic necessities, amounting to what could be referred to as a "policy of starvation" pursued by the Israeli occupying forces.

59. The occupying power had continuously engaged in widespread destruction - throughout the Occupied Palestinian Territory, including East Jerusalem - of homes and vital infrastructure, including water and electricity networks. The destruction of property directly related to the construction of the wall, which further restricted the Palestinians' freedom of movement and resulted in the unlawful conquest of Palestinian property, had been extensive.

60. The building of the wall must be seen in the context of Israel's 36-year settlement campaign which had been marked by land confiscations, punitive house demolitions, establishment of settlements, dismemberment of the Palestinian territories through the construction of bypass-roads servicing illegal settlers and the control of and theft of water and other natural resources in the occupied territories. The establishment of the settlements was a violation of basic principles of international humanitarian law. Such practices were seriously undermining the contiguity of the Palestinian territory and the implementation of the two-State solution, since, as stated in the report, their effect was to "fragment Palestinian territory and seriously undermine the prospects for Palestinian self-determination within a viable territorial unit".

61. Further, the violence perpetrated by illegal armed settlers, obviously authorized by the occupying power to act with impunity, had caused the destruction of Palestinian land and homes and many deaths and injuries among the Palestinian population, in total disregard for the human rights of the Palestinian people.

62. The only way in which the Palestinian people could be granted their basic and fundamental human rights was by bringing the occupation and the colonization to an end and by the establishment of a Palestinian State, with East Jerusalem as its capital. Israel could not be allowed to continue committing such serious violations. As the Special Rapporteur had stated, peace in the region could not succeed "without a return to the rule of law and respect for human rights and international humanitarian law."

63. **Mr. Hoban** (Qatar), referring to the attack against the United Nations Headquarters in Baghdad, said that his country condemned terrorism in all its forms and believed in the necessity to combat it under international law. A distinction should be drawn between terrorism and the legitimate right of peoples to resist occupation.

64. Qatar endorsed the conclusions of the Secretary-General's report on the protection of human rights and fundamental freedoms while countering terrorism (A/58/266) and concurred that respect for human rights should be considered as an indispensable element of any effective strategy against terrorism. As the Secretary-General had noted, any compromise on human rights in seeking to fight terrorism signified handing terrorists a victory they could not achieve on their own.

65. Poverty was a human-rights violation and a breeding ground for terrorism and radicalism. The consequences of allowing the gap between North and South to widen further were unfathomable. Despite earlier promises, very little had been done in the area of poverty reduction. According to the statistics of the Food and Agriculture Organization of the United Nations (FAO), the food situation had deteriorated between 2001 and 2002.

66. Although it was primarily the responsibility of governments to respond to needs in the area of food, still, given the importance of that issue, donors should increase development aid. They should also consider the issue of the debt. If all parties concerned met their obligations in the area of international trade and ensured more open trading conditions free of discrimination, that would contribute to the promotion of human rights.

67. Qatar society was based on the principles of freedom and justice. Respect for human rights was essential. Under the Constitution, all citizens had equal rights and obligations, the fundamental freedoms were guaranteed and torture was an offence. The Constitution also specifically guaranteed the right of association, freedom of opinion, freedom of the press and religious freedom. Under a royal decree, a National Human-Rights Commission had been set up to provide a fresh impetus to the promotion of democracy, which could forestall fanaticism and violence.

68. Convinced of the close link between democracy and human-rights promotion, Qatar practiced a policy of openness and encouraged intercultural exchange. In that spirit, it had organized, in April 2003, a seminar on Muslim-Christian dialogue, in which many religious

personalities had participated. In view of that first seminar's positive results, Qatar planned to organize in 2004 a second seminar on the same topic.

69. In order to support United Nations efforts in the area of promoting human rights and democracy, Qatar was prepared to host the Sixth International Conference of the New and Restored Democracies, encouraging the entire region to put to good use the benefits offered by such an event.

70. Undoubtedly, the goals and objectives set at major conferences and summits of the United Nations and by the General Assembly at its special sessions, including the Millennium Declaration Goals, would contribute to the promotion of human rights worldwide.

71. **Mr. Chaimongkol** (Thailand) said that efforts to make the enjoyment of human rights and fundamental freedoms more effective should be based on the conviction that all rights were universal and interdependent.

72. Lifting people out of poverty and improving their standard of living were key factors in enabling them to enjoy their rights more fully. Development and respect for human rights were interdependent. Consequently, the promotion and protection of human rights should reach all sectors of society, particularly those exposed to the risk of marginalization.

73. Thailand recognized that the primary responsibility for development and human-rights promotion lay with the State. Accordingly, it had integrated a people-centred and rights-based approach into its national development plans. That policy had consisted in particular in promoting grass roots access to basic necessities, including medical care, education, housing and job opportunities. Broader access to the Internet and information was also provided with a view to empowering the people.

74. The international community was entitled and morally obligated to promote and protect human rights. It could fulfil that mission through dialogue and cooperation, based on respect for diverse historical and cultural backgrounds; and by contributing to efforts put forth by the various - particularly the developing - countries to ensure the exercise of economic, social and cultural rights. After all, protection of human rights and poverty alleviation were part of the international community's shared commitments, which had been made at various United Nations summits and conferences, including the Millennium Summit.

75. The importance of human-rights education should be underscored. Its promotion, an integral part of Thailand's National Human Rights Plan of Action, was mainstreamed into curricula and government agency training at all levels. Before their deployment, Thai peacekeepers were required to attend human-rights training courses.

76. Thailand appreciated the work done by the United Nations in promoting human rights and fundamental freedoms worldwide, including the activities of the Office of the High Commissioner for Human Rights; and supported continuing those efforts and mainstreaming the human-rights perspective into the overall work of the Organization.

77. For the United Nations, special procedures were an important tool of promoting human rights worldwide. The cooperation and support of governments were therefore essential. At the same time, mutual understanding and mutual respect in collaborating with governments were prerequisites to the functioning of the special procedures. The Thai Government had invited the Special Representative of the Secretary-General on human rights defenders to visit Thailand officially and the authorities had cooperated with her fully during her visit. Thailand had also been a co-sponsor of resolutions on human rights defenders adopted by the General Assembly and the Commission on Human Rights; and supported the review of special procedures - including the formulation of better guidelines for their operation and reporting - as a part of the United Nations reform process.

78. On the occasion of the tenth anniversary of the Vienna Declaration and Programme of Action in 2003, Thailand reaffirmed its commitment to the cause of democracy, the rule of law and human rights and its determination to cooperate constructively with the international community on furthering that noble cause.

79. **Mr. Gansukh** (Mongolia) said that it was important to intensify human-rights protection efforts, strengthen the rule of law and promote democracy at the national and international levels, because, despite the international community's continued endeavour to promote human rights, there was a number of cases in which no notable progress had been made. The Ulaanbaatar Declaration on Democracy, Good

Governance and Civil Society, adopted at the Fifth International Conference of New or Restored Democracies, recognized that democracy, development and respect for human rights and fundamental freedoms were interdependent and synergic. National institutions and mechanisms must be strengthened to ensure that democratic principles and human rights were fully respected and guaranteed. In that connection, the international community's support would be of particular importance. The Mongolian delegation applauded the programmes and specific actions undertaken by the Office of the High Commissioner for Human Rights in support of national institutions and regional initiatives and endorsed the conclusions of the Secretary-General's report (A/58/261) on the national institutions for the promotion and protection of human rights.

80. The Mongolian Parliament had enacted the Law on the National Human Rights Commission (established in 2001). The Government had launched a number of national action plans, including the National Human Rights Plan of Action in May 2001 and the National Programme on Gender Equality in December 2002. It also attached great importance to the implementation of the joint statement on cooperation for the promotion and protection of human rights, signed with the Office of the High Commissioner. An intensive process of legislative change had been taking place in Mongolia for ten years, ensuring the consistency of national law with international human-rights standards. Under Article 10 of the Mongolian Constitution, all norms established in international treaties to which Mongolia was a party (more than 30 major international instruments) would be binding within Mongolia's jurisdiction.

81. Turning to the Secretary-General's Report (A/58/212) on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization, the representative of Mongolia commended the efforts made by the United Nations in ensuring that the rights related to political participation were respected and guaranteed. The Ulaanbaatar Declaration and Plan of Action provided for activities at the national level, including measures related to holding free, fair and periodic elections, improving voter education, ensuring the independence of electoral bodies and the transparency of electoral campaign funding. All political forces and international observers had recognized that the four preceding parliamentary elections in Mongolia had been free and fair and there was no doubt that the fifth, to be held in 2004, would prove once again that Mongolia's embrace of democracy and respect for human rights was irreversible.

82. **Mr. Tekle** (Eritrea), underscoring that human rights were universal, indivisible, interdependent and interrelated, as it was affirmed in the Vienna Declaration and Programme of Action, said that the Commission on Human Rights had taken steps to ensure equality and balance between, on the one hand, civil and political rights and, on the other hand, economic, social and cultural rights. The Declaration stated that the right to development was inalienable.

83. Eritrea had signed all of the core human-rights conventions. Its first Constitution clearly provided for the various categories of rights, gender equality and the rights of vulnerable groups. Eritrean development policy was based on the conviction that an informed and productive population was a sine qua non for establishing a national social order that would protect and promote fundamental rights and freedoms. The Government had enacted laws and implemented policies fostering the participation of all sectors of society in development programmes and invested in primary health, primary and technical education, infrastructure and housing. Policies, plans, programmes and legislation were continuously revised to accommodate ever-changing realities.

84. However, as the Commission on Human Rights had declared as early as 1976, unqualified respect for the promotion of human rights required the existence of international peace and security. The international community had also recognized the inextricable link between human rights, peace and development and the need for a holistic approach. The Eritrean delegation believed that peace was essential to the eradication of poverty, disease and illiteracy at the national and regional levels and a precondition for the rehabilitation, reconstruction and prosperity of a country.

85. That had been the message and promise of the Algiers Agreements and the Boundary Commission. Ethiopia, however, determined to derail the peace process, had rejected the boundary demarcation and hence the Algiers agreements; driven Eritrea farmers out of their land (resettling it with its own citizens),

despite protests from the United Nations Mission in Ethiopia and Eritrea (UNMEE); trained, equipped and financed terrorist groups to undermine the region's stability and sense of security; laid land mines in the temporary security zone, thereby endangering the lives of Eritrean civilians and UNMEE personnel; and threatened to shoot down the helicopter of the Boundary Commission.

86. The Committee must fully realize the consequences for peace and development of the rejection of the Boundary Commission's decision. The Security Council had already declared that Ethiopia should obey the decisions of the Boundary Commission and discharge its responsibilities under the Algiers Agreement. Ethiopia must once again be told of these responsibilities. The international community, which had invested much goodwill and resources, should mobilize to ensure that the Eritrean and Ethiopian people could enjoy their right to peace and development, denied to them because of Ethiopia's lawlessness and lack of good faith. In that connection, Eritrea appreciated the initiative taken by some countries to ensure compliance with the decisions of the Boundary Commission.

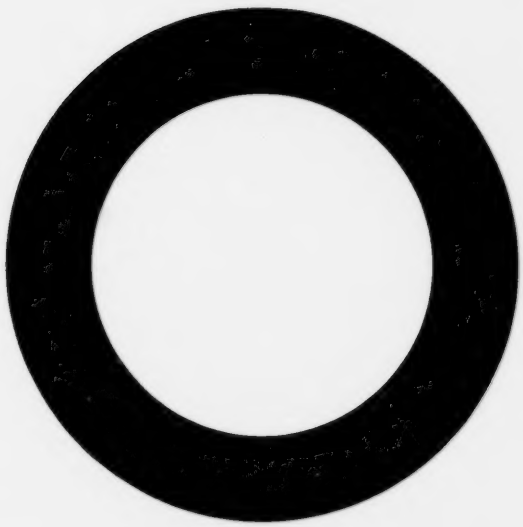
87. **Archbishop Migliore** (Observer for the Holy See), speaking on agenda item 117 (b), recalled that freedom of religion was among the fundamental freedoms of every human being. When religious faith was freely chosen and lived in a coherent way, religions played an essential role in promoting the peaceful coexistence of peoples, a condition for conflict prevention and for building a lasting peace.

88. Religious freedom also contributed to the development of genuinely free citizens and helped them to fulfil their duties with greater responsibility. The exercise of religious freedom generally cultivated a sense of the other, and moral integrity. Moreover, believers would not succumb readily to dominating ideologies or trends.

89. The Special Rapporteur of the Commission on Human Rights on freedom of religion or belief had often reminded authorities in various countries of the laws and administrative practices that continued to limit or violate the rights of individual believers and religious groups formally recognized by their Constitutions. In paragraph 135 of his latest report (A/58/296), he expressed apprehension about a new upsurge in administrative regulations on religious freedom.

90. In some countries, manifestations of religious intolerance still existed, particularly in the areas of religious instruction of children and young people, concession of visas, freedom of expression through the media and building new places of worship. Religious intolerance also took the form of propaganda and misleading statements against other religions, at times even by public authorities; of religious "apartheid" in certain professional activities; and of violence against religious minorities, including killings of religious leaders and pilgrims. It was regrettable that certain national legislations deprived their citizens of the freedom to change their religion. These and other - sometimes subtler - forms of religious intolerance and discrimination caused hardship for millions of believers. Therefore, the Holy See hoped that the international community would continue to safeguard the freedom of individuals and communities to profess and practice their religion.

The meeting rose at 6.00 p.m.



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Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

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The meeting was called to order at 10.15 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/58/118 and Corr.1, A/58/121, 181 and Add. 1, 185 and Adds. 1 and 2, A/58/186, 212, 255, 257, 261, 266, 268, 275, 276 and Add. 1, A/58/279, 296, 309, 317, 318, 330, 380 and 533; A/C.3/58/6)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/58/127, 218, 219, 325, 334, 338, 379, 393, 421, 427, 448 and 534; A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/58/36)

1. **Ms. Pham Thi Kim Anh** (Viet Nam) said that Viet Nam was frustrated to observe that the protection and promotion of human rights had been adversely affected by terrorism, the increase in conflicts, violence and intolerance, and serious poverty and inequality throughout the world. While realizing that terrorism posed a threat to international peace and security, Viet Nam considered that counter-terrorism measures should not become an excuse for human-rights abuses and should respect national sovereignty and independence. The emphasis on peaceful resolution of conflicts should be increased and poverty alleviation and development should be given the highest priority in order to ensure the full exercise of human rights.

2. Viet Nam was committed to building a strong nation with a prosperous, equitable and democratic society, with all economic and social policies focused on the human being. Over recent years, it had doubled its gross national product and maintained an annual economic growth of around seven per cent. Special attention had been paid to socio-economic development in remote areas, and development and poverty reduction programmes received 30 per cent of the national budget. Universal primary education had been introduced in 2000 and about 90 per cent of the population had access to health-care services.

3. The legal framework for human rights had been improved, as had mechanisms to ensure law enforcement, equality before the law and the punishment of offenders. The political life of the country had been democratized and legislation guaranteed all democratic rights.

4. No country had a perfect human-rights record, and politicizing the issue and making accusation would not contribute to the long process of fully realizing human rights. Viet Nam therefore denounced the selective approach to human rights, employing double standards, as well as the use of human rights to interfere in internal affairs. Any criticism should be objective and constructive, through a process of dialogue and cooperation.

5. **Mr. Owade** (Kenya) said that the protection and promotion of human rights was a collective responsibility of Governments, the United Nations and civil society. Since its inauguration, his Government had embarked on a programme to protect and promote human rights, strengthen democracy and the rule of law, and fight corruption. Experience had shown that legitimacy was derived from the people, and the Government had initiated reforms based on a consultative process intended to enhance the dignity of every citizen. The new draft constitution sought to include the protection and promotion of economic, social and cultural rights.

6. The National Commission of Human Rights had been established by an act of Parliament to oversee and report on the activities of the Government and its relationship with the people, and could hold the State responsible for non-fulfilment of the rights provided for in the Constitution.

7. Although political rights were paramount, the Government had recognized that social and economic rights were equally fundamental. It had therefore proposed a national programme of free and compulsory primary education, and the education sector had the highest budgetary priority. A new housing policy was being drafted to address the serious housing deficit; it would unite the Government and the private sector in the effort to provide affordable housing. A programme to provide free health care to all Kenyans was also being designed.

8. Corruption and bad governance affected public safety and eroded fundamental rights and freedoms, while distorting national economies and discouraging

investment and free competition. In Kenya, war had been declared on corruption and Parliament had enacted pertinent legislation. Likewise, a radical reform of the judiciary had been initiated to eradicate corruption and ensure that the rule of law prevailed. In addition, a comprehensive law reform was under way, and new measures to protect women and children had been enacted.

9. In the area of international cooperation, Kenya was concerned at the lack of progress on some of the critical issues relating to economic, social and cultural rights: in that regard, the Working Groups on the Right to Development, on Implementation of the Durban Declaration and Programme of Action, and on People of African Descent needed to be revamped.

10. There were no longer any political prisoners in Kenya. However, Kenyans had been shocked recently by the revelation of torture chambers in the basement of a government building. The new Government had decided to turn them into a museum as a stark reminder of a past that should never be repeated. The promotion and protection of human rights required peace and stability; consequently, Kenya's successive governments had helped seek lasting solutions to the conflicts in some of its neighbouring countries.

11. **Mr. Tekin** (Turkey) said that terrorism continued to hinder the full enjoyment of human rights. However, the fight against terrorism should not be pursued at the expense of human rights and due process of law. Counter-terrorism measures should not be used as an excuse for restricting fundamental rights and freedoms, because human-rights violations risked breeding resentment and, ultimately, violence. Maintaining the balance between human rights and national security remained a major challenge.

12. Turkey was continuing its wide-ranging reforms aimed at promoting and protecting human rights. Since 2001, it had made a series of extensive legal reforms designed to strengthen democracy and to consolidate the rule of law and the independence of the judiciary.

13. Institutional reforms had also been initiated in order to further the protection of human rights. A human-rights department had been set up attached to the office of the Prime Minister and national and provincial human-rights councils had been established. The latter were entrusted with investigating complaints at the local level with the collaboration of local non-governmental organizations, which were increasingly being engaged to work in the field of human rights.

14. Human-rights education had been intensified in order to enhance implementation of the reforms, and training was being provided for the police and security forces, civil service employees, judges, prosecutors and lawyers. Turkey was now a party to all six major international human-rights treaties and in 2002 had abolished the death penalty except in times of war or imminent threat of war.

15. The reforms had been complemented by increased engagement in the human-rights mechanisms of the United Nations and regional bodies. Several of the special rapporteurs had recently visited Turkey and their reports reflected the progress achieved.

16. **Mr. Tidjani** (Cameroon) said that, despite the progress made, there were many problem areas in the world where, as a result of extreme poverty, bad governance and injustice, serious human-rights violations were committed. Nevertheless, the international community was becoming increasingly aware of the need for a better implementation of human rights at the international and regional levels, as reflected in the legal measures designed to prevent or punish human-rights violations in all areas.

17. Poverty was the denial of all human rights; therefore its eradication was an urgent ethical, social and economic necessity. His delegation welcomed the international community's efforts to put the human being at the centre of its concerns and to give political rights and the right to development equal priority to other human rights and fundamental freedoms.

18. Cameroon welcomed the efforts of the United Nations High Commissioner for Human Rights to eradicate HIV/AIDS, to guarantee decent housing and food security, and to eliminate people-trafficking and discrimination against women. It also welcomed the High Commissioner's support for the New Partnership for Africa's Development in the context of the implementation of the regional strategy to strengthen universal human-rights norms.

19. It was only through human-rights education that the corresponding values and behaviour could be inculcated in all levels of society in order to establish a culture of peace and create a solid foundation for sustainable development. Children raised in an environment of tolerance, acceptance of differences

and respect for others were the best hope for the future of mankind. Cameroon, a multi-ethnic country, had opted to integrate human-rights education into the curriculum and into training programmes for the army, the police and prison personnel. A campaign to disseminate information on human rights had also been carried out through the mass media.

20. The support of the Office of the United Nations High Commissioner for Human Rights would be needed, particularly to strengthen national capacity. In its efforts to strengthen the rule of law, Cameroon had benefited from the support of the United Nations Subregional Centre for Human Rights and Democracy in Yaoundé, and expressed its appreciation to France and Italy and civil-society organizations which supported the Centre's operations.

21. Intolerance, disrespect, poverty and misery were at the origin of continuing atrocities throughout the world. In Cameroon, the promotion and protection of human rights had been at the heart of policies implemented since 1992 to install the rule of law, democracy and prosperity.

22. **Mr. Alexandre** (Haiti) said that, since the return to democracy in Haiti, his Government, with the support of the international community, had worked to consolidate democracy and the rule of law by stressing judicial reform and the elimination of impunity and insecurity. The machinery of oppression had been dismantled and replaced by such democratic institutions as the National Truth and Justice Commission, a civilian police force with a special unit for the protection of minors, a training school for the judiciary, the Office for the Protection of Citizens and the Preparatory Committee for the reform of the judicial branch. Bills had been introduced in the legislature to reinforce the independence of the judiciary and to combat organized crime. In an effort to guarantee the rights of its most vulnerable citizens, the Government had ratified the Convention on the Rights of the Child and had made education a priority. It had also adopted a plan of action on trafficking in persons that included strengthening the legal framework, raising public awareness and training government officials.

23. Despite the Government's efforts and support from the international community, difficulties in establishing the rule of law persisted. Haiti was counting on long-term assistance from the international community to provide targeted technical assistance to State institutions, civil society and professionals, who could play a decisive role in the consolidation of democracy. The Government was deeply concerned that the current economic problems were aggravating the political situation, and called on the international community to normalize relations between Haiti and the international financial institutions, as democracy and economic development went hand in hand.

24. The Haitian people aspired to a life of dignity and peace. On 1 January 2004, Haiti would celebrate the bicentennial of its independence, and it invited the international community to share its pride in that moment.

25. **Mr. Rodríguez** (Cuba) said that the recent discussions in the Committee clearly reflected the industrialized countries' lack of political will to conduct a substantial and honest discussion on human rights. Having looted the riches of the developing countries, the former colonial Powers were now responsible for the death of 10 children every 7 seconds. While condemning armed conflicts, they devoted billions of dollars to manufacturing arms, and their economic policies killed millions of persons from hunger and disease, violated human rights and caused extreme suffering. Furthermore, their statements made no mention of economic and social rights and ignored the principles of universality, objectivity, impartiality and non-selectivity in the approach to human rights.

26. Those statements reiterated that Western neoliberal representative democracy was the only democratic political model. However, in the United States there was a pattern of systematic and flagrant violations of the rights of minorities and immigrants, aggravated by wars and anti-terrorist laws.

27. The provisions of the Geneva Conventions of 1949 were not respected in the case of approximately 600 prisoners from 42 countries detained at the Guantánamo Bay Naval Base. They were kept in a legal limbo and could be subjected to special military tribunals, whose proceedings would be secret. It was surprising that the European Union and Canada, which should be concerned about the human rights of the Europeans and Canadians who were allegedly among the prisoners, had not referred to the situation in their statements. Likewise, about 1,200 foreign nationals, including several Europeans, had been illegally detained in the United States for

more than two years in the context of anti-terrorist measures; their identities had been kept secret and they were denied due process. The legislative bodies of three states and 185 cities considered that the so-called Patriot Act violated constitutional rights and civil liberties.

28. There were more detainees in United States prisons than in any other country and almost half of them were Afro-Americans, while one sixth of them were mentally disabled. Torture was not a federal offence and more people were executed owing to judicial errors than in any other country.

29. The current President of the United States had been appointed by the Supreme Court in a five-to-four decision along party lines. In Miami, the votes of thousands of Afro-Americans had been invalidated and, in 2004, approximately 8 million voters would vote by computers that could be tampered with.

30. The United States and the United Kingdom had killed well over 5,000 civilians during the war on Iraq and since the end of the war they had caused the death of about 2,000 more. Torture was used during interrogations and young children were handcuffed.

31. Canada had not referred to such acts in its statement; but its Government was unable to say what it thought of its powerful neighbour, and had to accept border controls and anti-terrorist laws that affected its own interests and harmed its democratic tradition. At the same time, it did not have the moral authority to complain, owing to the way in which it treated its indigenous minorities.

32. In Norway, anti-Semitism had increased and, since 11 September 2001, so had Islamophobia. A persistent pattern of racism and discrimination against immigrants was reflected in restrictions to their access to employment, housing, education and basic services. Likewise, there were constant violations of the human rights of the Saami and the Roma, who were subject to assimilation, including by means of forced sterilization.

33. The manipulation of human rights should cease and the Commission on Human Rights should be reorganized.

34. **Mr. Rastam** (Malaysia) said that the tragic death of the late United Nations High Commissioner for Human Rights served as a reminder that no one was safe from terrorism. Terrorism must be condemned, but in combating it, the human rights of all must be protected equally, and countries must avoid depriving specific groups of their rights. In dealing with terrorism, it was important to address not just the symptoms but the root causes, which often arose from long-term violations of the human rights of certain groups.

35. Israel's gross violations of the human rights of the Palestinian people were not new to the Committee. The Special Rapporteur on the right to food had presented evidence that Israel was using hunger as a silent weapon against the Palestinians living in the West Bank and Gaza. The harsh measures imposed by Israel included the construction of the containment wall, confiscation of land and diversion of water resources. Over 60 per cent of Palestinians were living in acute poverty and were dependent on food aid; unemployment had reached 40 per cent. Those measures attacked the dignity of the human person, yet inaction by the international community had only served to encourage Israel on that path.

36. A number of delegations had claimed the moral high ground by pointing out human-rights violations in other countries, yet it seemed — from their perspective — that such violations occurred only in developing countries; they did not feel the moral obligation to include Israel. In Iraq, the legacy of the war was still being felt by the Iraqi people in terms of shortages of food, water and electric power, but it would undoubtedly have other, less visible long-term effects on their well-being. He urged the Special Rapporteur on the situation of human rights in Iraq to assess not only the violations committed by the former regime but also the current situation.

37. There seemed to be little positive news in the current debate on the promotion and protection of human rights, but his delegation still had hope for a future in which all States would meet their obligations and the subject would be less politicized.

38. **Mr. Butagira** (Uganda) said that his Government remained committed to supporting the peace process in the Democratic Republic of the Congo, and had encouraged the Security Council to establish a robust peacekeeping operation there that would include disarmament, demobilization, rehabilitation, resettlement and reintegration of former combatants. It therefore welcomed Security Council resolution 1493 (2003) and had provided Entebbe Airbase for logistical

support to the European Union-led stabilization force in Bunia. It had also concluded an agreement with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to utilize that airbase.

39. Uganda welcomed the successful establishment of the Transitional Government of National Unity in accordance with the Lusaka Ceasefire Agreement. It hoped that once the institutions of law and order were strengthened, respect for human rights and the rule of law would be enhanced in the region. An effective Government, especially in the eastern part of the country, would deal with the culture of impunity and make sure that a system was in place for the lawful exploitation of natural resources.

40. Uganda had completed the withdrawal of the Ugandan People's Defence Forces (UPDF) on 2 June 2003 in accordance with the Lusaka Ceasefire Agreement and the Luanda Agreement of September 2002. It welcomed the Secretary-General's initiative regarding good-neighbourly relations and cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda. It desired the more stable, secure and peaceful political environment necessary to spur regional economic development and attract investment to the Great Lakes region.

41. The countries of the region must make a commitment that none of those countries would be used to arm, supply or host any hostile elements or armed terrorist groups against the others. Each country must establish mechanisms to monitor the security concerns of its neighbours. Uganda hoped that the proposed Great Lakes conference scheduled for July 2004 would emphasize ways to safeguard trade, security and respect for human rights.

42. **Mr. Mavroyiannis** (Cyprus) said that commitment to human rights required the unconditional integration of human rights into all aspects of life at the national, regional and international levels. Extreme poverty and social injustice were as pressing as violence and conflict. No country was entirely safe from human-rights violations; appropriate protections and remedies must continue to be developed at all levels.

43. Having suffered from grave violations of human rights as a result of a foreign invasion in 1974 and the continuing occupation of one third of its territory, Cyprus attached great significance to the protection and promotion of human rights. In acknowledgement of the difficulties faced by its citizens residing in the occupied areas, the Government of Cyprus had recently adopted measures that would allow them to enjoy the results of its human-rights-based policies as well as the benefits of its accession to the European Union. Unfortunately, the occupation authorities had prohibited Turkish Cypriots from enjoying those benefits and had also limited the freedom of expression of those who supported the idea of a reunited Cyprus free of occupying troops.

44. As a humanitarian measure, his Government was intensifying its efforts to establish the fate of all missing persons, whether Greek or Turkish Cypriots. The ongoing violations of the rights of the few remaining enclaved persons in the occupied area of Cyprus were also of primary concern. Their living conditions continued to deteriorate, and the partial easing of restrictions on movement across the dividing line maintained by the military forces of the occupiers had not made life easier. Some 100,000 refugees who had been expelled from their properties by the 1974 invasion had been denied the right to return. The partial lifting of restrictions by the occupying regime, which had allowed refugees to revisit their houses and villages, ostensibly as a goodwill gesture, had been yet another confirmation of the blatant violation of their right to their homes and properties.

45. Although the protection of human rights was primarily the responsibility of Governments, the international community, headed by the United Nations system, bore a major responsibility in monitoring human rights and in restoring them where they had been violated. No settlement of a dispute could provide a basis for mutual understanding unless all parties felt that their rights and dignity had been fully ensured.

46. The settlement of the Cyprus problem, one of the oldest items remaining on the United Nations agenda, was in essence a question of respect for and implementation of international human-rights norms. No effort of the international community would come to any good, however, if Turkey was unwilling to heed the call to withdraw its occupation troops and give its people, Greek and Turkish Cypriots alike, the opportunity to live in conditions of peace and security in a reunited country, a member of the European Union.

47. **Mr. Ivanov** (Belarus) said that Belarus condemned human-rights violations wherever they occurred and supported international cooperation in legal matters, based on the principles of mutual respect and equal partnership. Human rights and fundamental freedoms were also enshrined in the Constitution. Belarus was a rapidly evolving European State; according to the *Human Development Report 2003*, it was now in 53rd place, having joined for the first time the group of States with a high level of human development. Belarus enjoyed inter-ethnic, religious and social harmony, with a national minority policy aimed at ensuring the equal development of the cultures, languages and traditions of all minorities. Freedom of expression was guaranteed by the Constitution, with the majority of publications owned not by the State, but by political parties, public and professional associations and non-governmental organizations.

48. A member of the global anti-terrorist coalition, Belarus resolutely condemned terrorism in all its manifestations. Belarus had opposed the use of force to resolve the Iraq question, believing that it would lead to a dangerous situation which would jeopardize world peace founded on collective decision-making within the United Nations. His delegation favoured a rapid resolution of the situation in Iraq, involving a resumption of peace and a return of sovereignty to the Iraqi people, including a guarantee of full enjoyment of all their human rights and fundamental freedoms. His delegation could not agree with attempts to justify poor or legally unfounded decisions by groundlessly accusing other countries of harbouring terrorists.

49. Belarus had never engaged in any arms-trafficking in breach of sanctions imposed by the Security Council; all military exports were carried out in compliance with relevant international standards, under a multi-stage export-control system.

50. Using the human-rights debate to serve political or economic interests was not only doomed to failure; it also ran counter to the very concept of human rights. Moreover, unilateral measures against sovereign States only served to discredit the very principle of international monitoring of human rights. The international community should now focus on thematic questions of current global significance, such as poverty eradication, the increase in activities of racist and nationalist groups, and human rights in the context of counter-terrorism efforts.

51. **Mr. Gasperoni** (San Marino) said his delegation agreed that the Office of the United Nations High Commissioner for Human Rights played a fundamental role in the promotion and protection of human rights. Bearing in mind the scourge of terrorism, it also agreed that human rights could not be disregarded even for security reasons. Such a course would result in a glorious victory for terrorism. In order to fight that scourge effectively, the overarching goal of the Millennium Declaration must be achieved: poverty reduction.

52. His Government attached great importance to universal ratification of the core human-rights treaties, and he was proud to announce the forthcoming ratification of the Convention on the Elimination of All Forms of Discrimination against Women. In the light of the review of the treaty-body system, it agreed that the reporting burden for States parties should be alleviated. San Marino would welcome less burdensome guidelines specifically conceived for small countries with limited human resources.

53. San Marino fully supported the special procedures of the Commission on Human Rights, and had therefore decided to extend a standing invitation under all the special thematic procedures of the Commission.

54. **Mr. Daratzikis** (Greece) said that Turkey continued, in violation of numerous resolutions of the Security Council and the Commission on Human Rights, to violate human rights in that area of the sovereign territory of the Republic of Cyprus occupied by its troops since 1974. It had been found guilty by the European Court of Human Rights of violating numerous articles of the European Convention on Human Rights, including those on the rights to life, liberty and security, freedom of thought and freedom of expression. It had also been found guilty by the Court of violating article 6 of the Convention, by allowing military courts to judge civilians in the occupied area. Moreover, it had still not complied with the Court's judgement in the *Loizidou v. Turkey* case, failing to provide the just satisfaction awarded by the Court. Turkey had failed to honour its commitments under the Third Vienna Agreement of 1975, imposed a series of restrictions on the United Nations Peacekeeping Force in Cyprus (UNFICYP) that seriously affected its ability to carry out its mandate, and continued to ignore the call in Security Council resolution 1331 (2000) for a return to the status quo ante in Strovilia.

55. Furthermore, in a sustained effort to alter the demographic balance, Turkey had moved over 110,000 settlers into the occupied territory, where there remained less than 500 of the 20,000 Greek Cypriots who had opted to stay in their ancestral homes in 1974. The Turkish policy of colonization was a violation of several international instruments, including the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, and numerous resolutions of intergovernmental bodies. That policy was the principal reason why the illegal forthcoming "elections", which would be dominated by the settlers' vote, could not be considered legitimate.

56. As a result of the lack of cooperation by Turkish Cypriots, no progress had been made in resolving the tragic problems related to missing persons. Moreover, the island's cultural heritage was being systematically violated: over 500 Greek Orthodox churches had been destroyed and others had been vandalized or turned into hotels or restaurants.

57. The easing of restrictions that had allowed free contacts across the ceasefire line in recent months had demonstrated that Greek and Turkish Cypriots could live together peacefully, although it should not be seen as a substitute for a comprehensive settlement. The accession of Cyprus to the European Union had created a favourable environment for new efforts to reach a viable settlement on the basis of the relevant Security Council resolutions and European Union rules. His Government would support any efforts by the Secretary-General to seize the opportunity to bridge the gap between the two sides.

58. **Mr. Martirosyan** (Armenia) said that, in the decade since Armenia had gained its independence, significant progress had been made in anchoring the values of democracy, the rule of law and human rights in the collective thinking of the Armenian people. Democracy had been put to the test in 2003, with presidential and parliamentary elections and a constitutional referendum. Indeed, the rejection of the constitutional amendments proposed by the Government could be seen as evidence of "democracy at work". Some shortcomings had been revealed in the electoral process, but his Government was already taking the necessary measures to ensure that the international criteria for fair and democratic elections would be met in future.

59. Among the steps taken by his Government to meet its obligations as a new member of the Council of Europe were the abolition of the death penalty, the adoption of a new Criminal Code and the preparation of a new package of amendments to the Constitution. Other major legislative and judicial reforms, including reforms of the Electoral Code and the introduction of an Ombudsman bill, were under way with the aim of bringing Armenia's national institutions into line with international standards. All the reforms were being carried out in close cooperation with experts from the European Union and were being monitored by European institutions.

60. An important aspect of his Government's foreign policy was to advocate democracy and respect for human rights in neighbouring countries, as a way of helping to ensure peace and stability and thus reduce the risk of social and political conflict. A legitimate and transparent electoral process was particularly important, as its outcome was bound to have a great impact on the resolution of ongoing conflicts and as only legitimate and credible authorities would be in a position to advocate and implement lasting solutions to the conflicts.

61. In the 10 years since the World Conference on Human Rights, significant progress had been made in implementing the Vienna Declaration and Programme of Action, but it should be remembered that, according to the Declaration, all human rights were "universal, indivisible and interdependent and interrelated". It was therefore important to pay particular attention to the promotion and protection of economic, social and cultural rights in order to meet the challenges of globalization. His Government was committed to cooperating with all other stakeholders in living up to its commitments under the Declaration and under international human-rights instruments.

62. **Mr. Gba** (Côte d'Ivoire), after expressing sympathy for the humanitarian workers around the world who faced attacks while bringing comfort and hope to people in despair, said that the individual was at the centre of the development model his Government had adopted and human rights were at the heart of its policies. Like other developing countries, despite its limited resources, Côte d'Ivoire opened its doors to all migrants, regardless of their origin, and offered them education, health care and employment on the same basis as its own nationals. The provision of free education and the first steps it had taken towards

establishing universal health coverage — which had unfortunately been interrupted by the armed aggression against his country — had attracted large numbers of people from neighbouring countries, who continued to arrive even during the current conflict.

63. As a result of that conflict, which had left the country divided in two even after the fighting had ended, Côte d'Ivoire faced all the problems associated with the arrival of refugees and the displacement of large numbers of persons. The refugees, many of whom were fleeing the war in Liberia, were not housed in refugee camps but stayed with the local people. The authorities had made every effort to repatriate the refugees from nearby countries, with international help and the assistance of humanitarian organizations. At the same time, they had provided the necessary workers and resources to shelter, feed and care for those forced to flee, with the Ministry of Human Rights working alongside the Ministry of Social Affairs, the United Nations specialized agencies and civil society.

64. He echoed the view expressed in the report of the Office of the United Nations High Commissioner for Human Rights (A/58/36) that war-torn societies needed help in restoring and developing the rule of law and the institutions necessary for the protection of human rights. Observing that the Special Rapporteur on the human rights of migrants intended to visit Côte d'Ivoire and two other countries in West Africa, he said that she could count on the full support of his Government, whose policy of providing protection for migrants and refugees was based on the Constitution and its commitments under the African Charter on Human and Peoples' Rights.

65. Human rights implied the freedom to freely choose a government and leaders and therefore excluded foreign interference. In its desire for peaceful coexistence, his Government agreed with the view expressed by the Special Rapporteur on the human rights of migrants that the States of origin of migrants had a duty to maintain regular contacts with host States. Cooperation and solidarity on the basis of mutual respect must underlie relations between the people and their freely chosen leaders. The destabilization of neighbouring countries by providing mercenaries and weapons was a serious violation of human rights, and the perpetrators would be held accountable for their actions.

66. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea) said that many problems in the field of human rights were the result of arbitrary decisions by States, the imposition of indiscriminate sanctions and military attacks on other States. The international community should do its utmost to ensure respect for the principle of State sovereignty, which offered solid guarantees against human-rights abuses, and for the right to life, which was under threat from terrorism. Denouncing terrorism as a gross violation of international law and a crime against humanity, he condemned the terrorist acts committed, with the connivance of the Japanese Government, against nationals of the Democratic People's Republic of Korea in Japan. Those acts included shootings and the planting of explosive devices in the offices of Chongryon, the organization for overseas citizens of the Democratic People's Republic of Korea, and violence against Korean students in educational institutions all over Japan.

67. He denounced the politicization of human rights and the use of double standards in that field. Imposing the values of one State on other nations and forcing countries to change their political systems were gross violations of human rights. States that took unilateral action in occupying other countries had no right to brand sovereign States as violators of human rights: the same was true of those Member States that had fallen into line behind the so-called "super-Power" in adopting resolutions that condemned States with which they were engaged in dialogue. Moreover, in a world in which so many millions of people were living in poverty, higher priority must be given to the right to development and practical steps must be taken to eliminate poverty, cancel countries' foreign debt and ensure that unilateral sanctions were lifted.

68. He spoke on behalf of the Government of a country that suffered from no unemployment, homelessness, illiteracy or drug abuse and in which all people were equal and no one had to worry about the future, even though they did not live in great luxury. His Government was committed to cooperating with the international community to solve human-rights problems in an impartial manner, safeguarding the principle of national sovereignty and fully guaranteeing genuine human rights.

69. **Mr. Hyassat** (Jordan) said that his Government had taken a number of steps to anchor in the public mind the concept of human rights as an instrument of

greater understanding among nations and to consolidate justice, equality and the rule of law. They included a national information campaign in which other stakeholders had actively participated and the formation of the Royal Commission on Human Rights to bring Jordanian law into line with international standards while preserving Jordan's traditional values. In addition, the independent National Centre for Human Rights examined complaints of violations, provided legal services and helped to advance human rights.

70. His delegation believed that the proposed convention on the promotion and protection of the rights and dignity of persons with disabilities should follow a rights-based approach and welcomed the establishment of a working group to draft it.

71. His delegation also condemned the persistent violations indicated in the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6). It was deeply concerned that Israel had taken no measures to prevent their recurrence, and was alarmed at the unlawful construction of the wall, which would introduce new forms of human rights violations and further aggravate the Palestinian people's situation.

72. He called on Israel to fulfil its obligations with regard to the Palestinian people and the occupied Palestinian territories in accordance with international law, which prohibited a State exercising de facto control over an area outside its national territory from violating human rights in that area. That prohibition had been confirmed by international human rights bodies and courts on the basis of human rights law protecting individuals from such violations. Israel's contention that its actions were to be measured only against the rules of international humanitarian law was unconvincing, since, as the Human Rights Committee and the Special Rapporteur had affirmed, both international humanitarian law and international human rights law applied to the occupied Palestinian territories. Only with the cessation of such violations and of violence in general could the Palestinians and Israelis fulfil their obligations under United Nations resolutions and agreements and the road map with a view to attaining a just, comprehensive and lasting peace.

73. **Mr. Guterres** (Timor-Leste) said that human rights and fundamental freedoms should be regarded as the ultimate priority in the nation-building process and as a prerequisite for sustainable development. Timor-Leste had ratified both of the International Covenants on Human Rights in the past year. His Government's achievements in the field of human rights included the introduction of an "open governance" plan aimed at the full participation of citizens in the political process, the imminent delivery of affordable and cost-effective preventive and curative health services throughout the country, a gross enrolment rate in primary schools that had been raised to 95 per cent, and redesigned school curricula that included a human rights perspective.

74. Although women were crucial to the process of peace and reconciliation, they remained one of the most victimized groups during conflicts and were often excluded from peace-building. He therefore considered Security Council resolution 1325 (2000), on women and peace and security, a landmark in its affirmation of women's role in times of conflict and peace. The country's Parliament had ratified the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as the United Nations Declaration on the Elimination of Violence against Women. The Government had established the Office for the Promotion of Equality and was working to strengthen national capacity to address gender-based violence. Parliament was currently debating a bill that would criminalize domestic violence, a problem of worrying dimensions in Timor-Leste; women's groups and other civil organizations had been involved in drafting the legislation. Women's networks and non-governmental organizations had played a key role in raising awareness about domestic violence and the police had received special training.

75. His Government attached particular importance to protecting vulnerable groups such as children. Timor-Leste had ratified the Convention on the Rights of the Child and its optional protocols and was cooperating with UNICEF and other international and local organizations to raise awareness of children's rights. While much remained to be done in the human rights field in Timor-Leste, his Government firmly believed that development and prosperity could be achieved only through the full enjoyment of human rights.

76. **Mr. Cardoso** (Brazil) paid tribute to the late United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, who had demonstrated strong

leadership and dedication to the promotion of human rights, rendering inestimable service in that cause.

77. The time had come to cease endless political wrangling and adopt a victim-centred approach to the atrocious abuses perpetrated against the most vulnerable and underprivileged. Agreement on international standards must go hand in hand with genuine efforts to implement them if human dignity was to be upheld through international human rights instruments. Ten years after the adoption of the Vienna Declaration and Programme of Action, its principles must continue to be the basis of deliberations on human rights, with the reaffirmation of their universality, indivisibility and interdependence.

78. All human rights were mutually reinforcing and should be treated equally. While their protection was a legitimate concern of the international community, excessive politicization must be curbed. In the current international environment, human rights appeared to be used more selectively than ever and to serve as a tool of some States' foreign policy, thus enfeebling the international human rights system. His delegation called for the improvement of multilateral mechanisms through a more cooperative and positive approach such as that adopted by the International Labour Organization and the World Health Organization, which focused on technical cooperation rather than public punishment. A global report on human rights could constitute a valuable source of objective information and analysis.

79. In that regard, the right to development was particularly important for providing everyone with a social and international order conducive to the realization of the rights enshrined in the Universal Declaration of Human Rights, and all countries deserved an international economic environment favourable to meeting their people's aspirations. While lack of development was not a justification for limiting the enjoyment of internationally recognized human rights, its presence facilitated that enjoyment; hence, States must cooperate with one another to eliminate obstacles to development. The Office of the High Commissioner should receive additional resources to support countries' capacity-building efforts, strengthen their human rights institutions and provide training for judicial and law-enforcement officials.

80. Democracy, development and respect for human rights were interdependent. Brazil's consolidation of democracy had underscored the pre-eminence of human rights among the constitutional precepts that informed its international relations. The country was committed to fighting poverty, since rights were meaningless if people were starving. The international community had a large role to play in poverty eradication, one of the key challenges of the human rights movement. Brazil intended to help strengthen all human rights mechanisms, cooperation with which epitomized its attitude. At the authorities' open invitation, the country had been visited in 2003 by the independent expert on the right to development and the Special Rapporteurs on the extrajudicial, summary and arbitrary executions and on the sale of children, child prostitution and child pornography, and used the suggestions and analyses made under the human-rights mechanisms to induce change, summon political will and broaden the base of support for human rights policies.

81. Brazil had recently signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and urged other States to do so. At the current session, his delegation was submitting a draft resolution on the right to health and another on access to medication in the event of pandemics, and called for economic and social rights to occupy their rightful place on the human-rights agenda. Furthermore, the Commission on Human Rights would consider, at its next session, his delegation's initiative concerning human rights and sexual orientation.

82. **Ms. Liepina** (Latvia) said that the protection and promotion of human rights had been a priority of successive Latvian Governments mainly because of the suffering caused by massive human rights violations during the Soviet occupation. On regaining its independence, her country had restored democratic traditions and, through intensive bilateral and multilateral cooperation, had established fundamental human rights legislation and built up human rights institutions; its progress in establishing and implementing the proper legislative framework had been noted by several international organizations. Despite the distortion of the country's demographic balance during the five decades of occupation, that balance had been restored, bringing with it remarkable social stability. The authorities had successfully developed harmonious inter-ethnic relations by taking proactive steps to avoid conflicts and ensuring respect

for the rights of different ethnic groups in a centuries-old multi-ethnic society.

83. The report of the Secretary-General on effective promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (A/58/255) showed how much the work of international organizations was interlinked. Of the two approaches it offered, her country had opted for integration over autonomy, and minorities played an active role in Latvia's political life, occupying 20 per cent of parliamentary seats, the rough equivalent of their percentage of the population. The Government funded some 200 minority schools for eight minority groups — including very small ones — and contributed financially to many cultural events.

84. The newly appointed Minister for Special Assignments, himself a human rights expert, was responsible for promoting dialogue with the minorities and the Livs, Latvia's indigenous people, in order to increase government involvement in minority cultural issues. The Latvian human rights protection and promotion system was by no means perfect, but praise for its achievements had convinced the authorities that they had chosen the right path, while constructive criticism had helped them improve policy. It was evident from the Latvian experience that even countries with a legacy of extreme brutality could rebuild human rights standards and accomplish the peaceful integration of a society. Latvia would continue its human rights dialogue with the international community.

85. **Mr. Sinaga** (Indonesia) said that the importance of international cooperation for promoting human rights was clearly stated in the Charter of the United Nations and the Millennium Declaration. The time had come to cease concentrating on Member States' shortcomings, but rather to discuss valuable national experiences that could benefit others and reflect on the effectiveness of the role of the special rapporteurs, who, instead of merely reporting a country's negative situation, should focus on ways of improving it. The ideal principle for the implementation of human rights was to live by example, and respect for human rights in one's own country should be accompanied by respect for those rights elsewhere.

86. No country was free from human rights violations. Indonesia would cooperate on the realization of human rights provided it was for the benefit of all human beings and was not politicized, selective or discriminatory. Human rights, in all their manifestations, were a high priority for his Government and the subject of one of its six fundamental working programmes; there had been a significant improvement in the freedoms of expression, peaceful assembly and association as part of the reform process. The five-year National Plan of Action on Human Rights, adopted in 1998 to comply with the Vienna Declaration and Programme of Action, had been meticulously implemented and would soon have a successor consisting of six pillars, namely the establishment and strengthening of human rights promotion and protection mechanisms; preparation for the ratification of international conventions; education and dissemination; harmonization of national laws; implementation of norms and standards; and monitoring, evaluation and reporting.

87. Despite its limited resources, the Government, in cooperation with the National Commission on Human Rights and certain other countries, had conducted a programme of familiarizing students with the basic principles of national and international human rights, while similar programmes were directed at young people in social and religious settings. In the view of his delegation, it was better to comply with the Vienna Declaration and introduce national plans of action than to publish a world report or a litany of criticisms of Member States' practices. His Government, in close partnership with other stakeholders, discussed national programmes, following which the responsibilities for human rights promotion and protection were assigned. Human rights education was promoted at all educational levels throughout the country.

88. In the general election, to be held in 2004, many new elements for ensuring the exercise of rights and freedoms would be introduced; for the first time the people would directly elect their president, vice-president and members of the legislature. Although the election would pose challenges, it would bring greater benefits to the country.

89. **Mr. Porter** (European Community) said that, in addition to bilateral cooperation, the European Commission supported human rights projects with non-governmental organizations and international organizations, notably through the annual 100 million euros donated under the European Initiative for Democracy and Human Rights to support innovative projects in many major fields. An overarching concern

was the need to work towards the effective implementation of international human rights instruments and standards. One major project was designed to advance the implementation of the Istanbul Protocol establishing the guidelines for investigating cases of alleged torture.

90. Under the Initiative, projects were also undertaken with the Office of the United Nations High Commissioner for Human Rights to bolster the effectiveness of inputs by non-governmental organizations and national human rights institutions to reports to the treaty bodies. The next project selection would focus on support for the Optional Protocol to the Convention against Torture, which provided for effective scrutiny of places of detention. The Initiative also supported training and information on human rights issues, and several of its projects aimed to ensure that the media treated sensitive issues in an informed manner. They included a worldwide campaign by the Death Penalty Information Centre to put the case for abolition of the death penalty to the media, and a project to improve media coverage of ethnic and minority issues in the South Caucasus.

91. Because participation in democracy and decision-making went beyond the right to vote and involved a wide range of human rights, the European Union had deployed election-observation missions in Rwanda, Cambodia, Nigeria, Guatemala and Mozambique. The Initiative also supported domestic non-governmental and regional organizations involved in election observation in order to strengthen local capacity to support democratic transitions.

92. **Mr. Helle** (International Committee of the Red Cross (ICRC)) said that thousands of families around the globe underwent severe mental agony because a family member had become a "missing person". Their suffering and relentless quest for information often led to their social marginalization and all its consequences for society. The initial phase of the consultative and analytical process relating to missing persons, launched by ICRC with the cooperation of academic institutions and experts, had resulted in a set of recommendations on legal and operational matters designed to help prevent disappearances, ascertain the fate of missing persons and assist their families. The second phase had consisted in a three-day international conference of experts, held in February 2003, that had provided an opportunity to share the outcome of the first phase and further explore the scale, diversity and complexity of the issue. A wide array of participants, including relatives of missing persons, had engaged in a rich, and often moving, dialogue based on the need to address a problem that went far beyond emotional issues.

93. The upcoming 28th International Conference of the Red Cross and Red Crescent, at which the 191 States parties to the Geneva Conventions would be represented, would provide an opportunity to trigger more effective action. One of the four humanitarian concerns addressed in the draft agenda for humanitarian action to be adopted by the conference was the issue of persons missing in connection with armed conflict or internal strife. The draft agenda included the main goals and actions identified through the aforementioned conference of experts. ICRC would pledge to strengthen its own operational practices and its work with relevant authorities and organizations regarding guidelines on best practices for resolving problems linked to missing persons; definition of standards and guidelines for the collection, exhumation and identification of human remains; creation of international mechanisms for assistance to affected families; and the network of tracing services of national Red Cross and Red Crescent societies.

94. ICRC would also help to strengthen relevant international and domestic law which served to protect persons from disappearance, to ascertain the fate of missing persons and to sustain the right of families to know the fate of their relatives. It called on all Member States to join in its pledge.

The meeting rose at 1.10 p.m.